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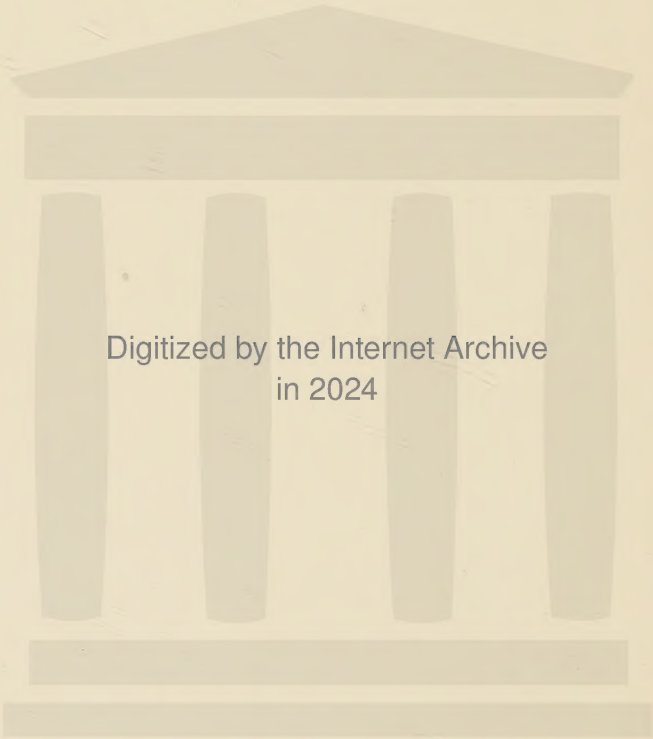
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THE ROMANCE OF A COLONIAL PARLIAMENT

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JOHAN VAN RIEBEECK

(b. 1618, d. 1677)

As Commander of the garrison stationed at the Cape by the Dutch East India Company, van Riebeeck was President of the Council that was the forerunner of Parliamentary institutions in South Africa.

From a portrait in the Rijks Museum, Amsterdam.

THE ROMANCE OF A COLONIAL PARLIAMENT

BEING A NARRATIVE OF THE PARLIAMENT AND COUNCILS OF THE CAPE OF GOOD HOPE FROM THE FOUNDING OF THE COLONY BY VAN RIEBEECK IN 1652 TO THE UNION OF SOUTH AFRICA IN 1910

TO WHICH IS ADDED

A LIST OF GOVERNORS FROM 1652 TO 1910 AND A COMPLETE LIST OF MEMBERS FROM 1825 TO 1910

by

RALPH KILPIN

CLERK-ASSISTANT OF THE UNION HOUSE OF ASSEMBLY

Author of "The Old Cape House"

WITH ILLUSTRATIONS

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PREFACE

South Africa, since its infancy, has so often been a centre of interest that its story has been written from almost every point of view. Its gold and its diamonds, its veld and its homesteads, its problems of state and even its local affairs have found ready chroniclers, yet strangely enough its history has never been viewed purely from the standpoint of its parliamentary institutions.

It is hoped, therefore, that the outline furnished in the following pages of the history of the Cape Parliament will help to fill the gap and generally to awaken interest in the faint, unrecognised beginnings of self-government in South Africa.

The Cape Parliament occupied a distinguished place among the colonial legislatures of its day. During its eventful and at times stormy career it produced more than its quota of men of character, eloquence, and administrative attainments who were remarkable for their high ideals and their sincere attachment to the best parliamentary traditions. In name the Cape Parliament came to an end with the promulgation of the Act of Union which merged the four colonies into a single entity known as the Union of South Africa, but no fewer than fifty-three of its members,

headed by the Speaker, were elected to the Union Parliament, and they carried into the new legislature the best traditions of the old.

This narrative, although it makes no pretence to being exhaustive, is based on material collected from a variety of sources, some of which are too rarely consulted. The Cape archives, Leibbrandt's *Precis of the Archives*, the MSS. records of the old Councils, the journals of the Cape Parliament, Imperial blue-books, Theal's *Records*, and the records of public departments have formed the groundwork; but useful information has also been obtained from books in the Mendelssohn Collection, written by early travellers, and from the publications of the van Riebeeck Society, while contemporary newspapers, almanacs, magazines, biographies and private correspondence, and diaries kindly lent by their present owners, have provided personal details that are unobtainable from official documents.

The lists of members and officials have been compiled from Government Gazettes, the "Cape of Good Hope Blue Books," the Cape Civil Service Lists, the Council Minutes, and the Votes and Proceedings of the House of Assembly. These are now published for the first time as a memento of the members and in the hope that they may be found useful for reference.

Acknowledgments are due to the Editor of the *Cape Argus* for permission to make use of articles

originally written for that journal by the author, and to Mr. Ken. Donaldson of Cape Town for having lent the blocks from which many of the illustrations have been made.

R. K.

House of Assembly,
Cape Town,
31st *May* 1929.

CONTENTS

PART ONE

The Council of Policy (1651–1806)

PAGE

I.—*In the Fort de Goede Hoop*, 1652–1674.—The ship of state is launched on the high seas—The Council ashore—Queer legislation—The first colonists—" Broad councils "—Separation of judicial from legislative and executive functions—Night in the fort—The fort is abandoned 3

II.—*In the Castle*, 1674–1806.—The Council of India taken as a model—The grandeur of Batavia—The Cape as the " fortress of India "—Van Rheede the reformer—Early parliamentary practice—Secret resolutions—The " treks " begin—Extravagance and corruption—The colonists demand representation—The decline of the Council—De Mist comes to the rescue—The passing of the Council 17

PART TWO

The Council of Advice (1825-1834)

How the Council began—Members sworn to secrecy—The Council Chamber—Rules of procedure—The Governor overrides the Council—The first Clerk—A " scene "—His Majesty dispenses with the services of the Chief Justice—John Fairbairn at the bar—Two unofficial members appointed—The clamour for representative government renewed 33

PART THREE

The First Legislative Council (1834-1853)

PAGE

The dawn of parliamentary government—Separation of executive from legislative functions—Doors thrown open to strangers—How a Governor enforced the authority of the Chair—The advent of William Porter—A distinguished Clerk—Settled principles of procedure—Disputes with the judges—The anti-convict agitation—Mobbing the Council—Election of the "popular" members—Framing the constitution for a representative Parliament 53

PART FOUR

The Cape Parliament (1854-1910)

I.—*The Legislative Council.*—Its line of descent—Conflicts with the Lower House—The Council Chamber—Failure of representative government without responsible Ministers—Introduction of responsible government—The affair of Dr. Hiddingh and Mr. de Roubaix—The reformed Council 83

II.—*The House of Assembly.*—In the Goede Hoop Lodge—The character of Parliament—The escapades of Dr. Tancred—The legislative machine—Ministerial responsibility—Modernising procedure—In the new buildings—Great parliamentarians and high traditions—The old Cape House is merged in the Union Parliament 99

CONTENTS

ANNEXURES

PAGE

A. Cape Commanders and Governors, 1652–1910 . 115

B. Members of the Council of Advice, 1825–1834 . 121

C. Members of the Legislative Council, 1834–1853 . 123

D. Members of the Legislative Council, 1854–1910 . 127

E. Members of the House of Assembly, 1854–1910 . 137

F. Executive Councillors under representative government with seats in both Houses of Parliament, 1854–1872 163

G. Ministers under responsible government, 1872–1910 165

INDEX 171

LIST OF ILLUSTRATIONS

Johan van Riebeeck . . . . *Frontispiece*

Facing page

First Meeting of the Council of Policy . . 4

The Fort de Goede Hoop 8

The Council of India 18

The Castle 18

Commissioner H. A. van Rheede 22

The Council Chamber, 1827–1884 . . . 40

D. M. Perceval, Clerk of the Advisory Council . 42

Hon. Sir John Truter 48

Maj.-Gen. Sir George Thomas Napier . . . 58

Mobbing the Legislative Council, 1849 . . 72

Resignation of the "Popular Members," 1850 . 78

Opening of Parliament, 1854 83

Legislative Council Chamber, 1885–1910 . . 96

House of Assembly, 1854–1884 100

The Scanlen Ministry, 1881–1884 . . . 104

The Houses of Parliament, 1885–1910 . . . 108

PART ONE

THE COUNCIL OF POLICY

(1651–1806)

PART ONE

THE COUNCIL OF POLICY

(1651–1806)

I.—In the Fort de Goede Hoop (1652–1674)

At the sea-end of the principal street in Cape Town there is a statue of van Riebeeck, and at the other end are the Houses of Parliament. Between these two monuments of bronze and brick there lies an invisible chain of two centuries.

Everyone who treads that sunlit thoroughfare is familiar with both the statue and the glaring red-brick buildings, but the chain of events that binds them inseparably together is covered with the dust of an unromantic age. The story itself lies scattered in the records that are stored in the vaults of the Houses of Parliament. It is the story of how the " Council of Policy " over which van Riebeeck presided gave rise to all the highest courts of South Africa, and of how the movement for representative government began while the Council was yet in existence and led in the natural course of events first to the establishment of the Cape Parliament and afterwards to the Parliament of the Union of South Africa.

Each musty tome is rich in romance and well worth exploring. To begin with, it will be found that the ship of state was literally launched on the high seas. Consisting, at first, of three master mariners, the Council not only legislated at sea for some months, but assembled on the first and most momentous occasion in the stress and turmoil of a rising storm.

The record of this maritime meeting will be found among the treasures in the archives. The secretary of the Council, who bore the fitting name of van der Helm, has left us his minutes, written in bold black letter, and for the events leading up to the meeting we have the written word of van Riebeeck himself.

Fair weather, he tells us, marked the sailing of his three small ships from the Texel in 1651; but after a week of quiet routine in the English Channel there came an ominous change, and even as he scanned the horizon from the deck of the *Dromedaris* a gust of wind sent her lurching on her beam ends. The cargo was so badly stowed and the danger was so imminent that van Riebeeck decided to summon his Council without more ado. The ships hove to in answer to his signals and the skippers, inured to the fiercest gales, crossed over to the *Dromedaris*.

There the now historic meeting was opened on the 30th December 1651.

It began with the prayer still known as "van Riebeeck's prayer," which, shorn of its allusions

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THE FIRST MEETING OF THE COUNCIL OF POLICY

On the 30th December, 1651, van Riebeeck, bound for the Cape, summons his three sea captains on board the *Dromedaris* and holds the first meeting of the Council of Policy in the English Channel.

Specially drawn by A. Hayes from details supplied by the author.

to the " wild and brutal people of the Cape " and its almost pathetic appeal for assistance in the promotion of " the greatest interests of the Dutch East India Company," is still read every day of the session in the Union Senate. There was no idle palaver, none of the dilatory declamation of more modern times. The question to be decided was only one of ballast, but it affected the safety of the men, women, and children who were to form the whole population of the future European colony. It was settled with bluff seamanlike promptitude, and the captains sped back to their ships as unconscious as the toiling oarsmen of the historical significance of the episode in which they had just played their parts.

Van Riebeeck himself could not have foreseen the far-reaching consequences of his Council or even of the expedition. In point of fact he had explicit instructions precluding any idea of colonisation. The duty enjoined upon him was simply to build a fort and plant a garden which would serve as a refreshment station for the scurvy-stricken crews of the Dutch East India Company. He was to annex as much ground as would serve this purpose but nothing more. The Cape excited no cupidity, and when three months later the little band of two hundred souls dropped anchor in Table Bay, not even the hardiest among them would have relished the idea of forming the permanent settlement that afterwards developed.

The country as they found it was no better

than a desert island. It contained no white inhabitant to greet them ; no house to give them shelter. Parched by a scorching sun, even the swamp now covered by the Houses of Parliament was dry and cracked. There were no journalists in those days to depict the scene, but as you read the journal that van Riebeeck kept you will be carried swiftly back through the golden mists of time until you see the garrison in stark reality.

The men stand out in their leather jerkins against a rugged background as plain-speaking sea-rovers with nerves as tough as whipcord. Fighting, hewing wood, digging, and building were their " orders of the day," and it is as clear as a pikestaff that they cared as little for the restraints of settled government as buccaneers on the Spanish Main. Yet even the buccaneers had their laws and customs, and scattered through the journal you will come across innumerable resolutions of the Council ; for if there was one custom that the Company placed above all others, it was that wherever its flag flew its representatives should frequently take counsel together. No expedition, no fleet, no ship, no settlement was without its council of responsible officials, and no official ever questioned this salutary practice.

It was only natural, therefore, and in accordance with precedent that van Riebeeck and his three skippers should sit in council on shore just as they had done at sea, and when the skippers

sailed away their places were taken, as a matter of course, by a serjeant and a book-keeper who were next in rank.

Before they could meet on shore, however, it was necessary to complete the main part of the mud fort van Riebeeck had been commanded to build. It was a formidable task for unskilled men, many of whom were on the sick list, but van Riebeeck was equal to it. Toiling with his own hands and serving in turn as engineer, excavator, carpenter, mason, and blacksmith, he set a sturdy example. The work progressed steadily, and from the 15th August 1652 he was able to convene his council in a large room in the centre of the fort.

Every effort was made to furnish this apartment, known as the "Commander's Hall," as suitably as the scanty materials would allow. A stuffed zebra was placed opposite the entrance as a screen and ornament, a strong chest bound with brass was provided for official documents, and there was a harpsichord for use when the Council was not sitting. On the walls van Riebeeck hung a mirror and the pictures his wife had brought, but when on his departure he took down the pictures, his successors made shift with the skins and horns of the wild animals that had fallen to their muskets.

The windows, at first covered with cotton so coarse that it must have been a strain on the eyes to read by their light, were afterwards fitted with

glass panes, and at the end of the dim-lit hall a raised platform was built, as in Batavia, to give prominence to the Council table where sat the three or four men who from time to time were called upon to guide the destinies of the Cape.

The "Council of the Fort," as this little assembly was generally called during the twenty-two years it sat there, retained the characteristics of the ship's council it had originally been. It had power to make war or peace with the natives, it treated with passing representatives of foreign nations, looked to the trade of the Company, and adapted the statutes of Batavia to meet local requirements. But, literally amphibious, it would summarily order a man to be keel-hauled in the bay as a highly suitable form of punishment, and generally treated the little settlement which grew up on the outskirts of the fort as if it were a ship's crew.

The Council met as occasion demanded—sometimes twice a day and sometimes after an interval of several weeks. The procedure it adopted was simplicity itself. Resolutions were signed by all the members present and, when of sufficient importance, they were read in the form of proclamations from the balcony outside the Council Chamber after a bell had been solemnly rung. Subsequently the edicts would be repeated *ore rotundo* to the congregation after divine service in the fort for the edification of the

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THE FORT DE GOEDE HOOP

For twenty-two years the Council of Policy held its meetings in the mud fort seen on the foreshore of Table Bay. The fort was totally demolished in 1674.

From a print in Dapper's "Africa," published in 1668.

virtuous, or " placaated " in prominent places as a warning to the wicked.

These proclamations with their quaintly phrased preambles throw revealing sidelights on the problems of those days. It is evident that the men who framed them were animated by a stern sense of religious duty according to their lights, and withal by that unsparing belief in the virtue of discipline and exemplary punishment which were not less typical of their unbending age.

As it was found that " some took their meals like pigs, without asking a blessing or returning thanks," it was ordered and publicly proclaimed that the gunner should go round when dinner was served and " fine all who neglect to perform their sacred duty."

When it was discovered that " some did not hesitate in the least to run into the garden and there pluck the young fruit and spoil it," it was notified that offenders would be punished by twelve months at the public works without pay, and receive, in addition, one hundred lashes without pretence (zonder simulatie), while those who set foot outside the fort without permission would forfeit eight days' wine allowance and receive fifty blows with the butt end of a musket.

But the instinct of statesmanship was by no means lacking. It was recognised that collisions with the natives were not in the Company's interests, and the Council strove its utmost to

prevent them. One of its first acts was to proclaim that " should anyone ill-treat, beat, or push a native—whether he be right or wrong—he shall in the presence of the latter receive fifty lashes " ; and it even went so far as to prohibit any European from making " a sour face " at a native.

Up to a point the proclamations and proceedings of the Council were much like those in the other dependencies of the Dutch East India Company. But for some time the directors in Holland had been carefully weighing the advantages to be derived from discharging some of its servants at the Cape in order that they might cultivate the land alike for their own advantage and for the profit of the Company. The experiment was finally authorised, and on the 21st February 1657 a step was taken by the Council that was eventually to distinguish the Cape and its legislature from all the other dependencies. On that momentous day nine servants of the Company presented themselves, hat in hand, before the Council, received their discharge from the Company's service, and blithely left the fort for farms which had been allotted them a few miles away on the banks of the Liesbeeck River.

They were the first of the simple, independent, and freedom-loving Boers whose exploits were to become famous in after years. But although they were accounted free colonists, they were in reality free in name only.

If they dreamt of prosperity, disillusionment came quickly, and they soon trudged back to the Council Chamber to seek an interview and to present a petition full of bitter complaints. At one time it looked as if the interview would end in disaster. The petition was not " respectfully worded," and when the petitioners truculently declared that " if we ask for a thing we expect to get it," van Riebeeck could scarcely believe his ears. Choking down his choler he replied, as befitted the president of the Council, that petitioners should not lay down the law to those from whom they were to receive it. Their part was to obey the constituted authorities as became upright, honest burghers. With eyes ablaze he glared around the room, and none dared to meet his gaze. Three times, and with great deliberation, he read out his answers to each of their complaints, and then with rising anger he turned upon them and flashed out a reminder that it was a serious matter to threaten the Company.

Van Riebeeck's tone and bearing lent weight to his words. Almost before the echo of his voice had died away the failing courage of the petitioners stood painfully revealed. They hung their heads as if in contrition and, as the officious chronicler chose to conjecture, " now saw that the commander had all along worked in their favour and endeavoured in every way to set them on their legs, etc."

Van Riebeeck was mollified and, having won

the day, became gracious. If they behaved themselves properly he would do what he could for them, and would even seek to shelter them from the wrath of the higher authorities.

At these soothing words everyone's courage revived. All promised to do their best, and it is recorded that peace and quietude were instantly restored. Each received a few goblets of wine from the commander, to show that they were forgiven, and everyone went home with a smiling face, " the one chaffing the other, because everyone had got his due, etc."

Little did the chronicler guess the part these so-called " freemen " were to play in the future of the " infant colony," as the Cape was now fondly called ; but could he have peered into the dim vistas of the future with the eye of a seer he might perhaps have seen, not the smiling faces of the men as they hurried away, but the grim features of thousands who were to follow in their footsteps—uncompromising lovers of freedom and worthy pioneers of a nation still in the making.

Van Riebeeck himself must have regarded the outburst against the Company as inexcusable, but otherwise of little importance. He openly prided himself on the way he had handled these little affairs, and made no attempt to conceal the fact that he had more confidence in himself than in all the other members of his Council ; yet for all his self-complacency he had often to admit that

he was unequal to some of the more weighty matters that came before him.

Fortunately there were several avenues of escape. Under the salutary system of " broad councils," joint sittings might be arranged with the councils of visiting ships when unusual problems demanded solution ; while the rule of personal precedence, so strictly observed in the Company's possessions, often provided a convenient way out of a dilemma.

The rule was designed to give authority to every official according to his rank. Even the commander of the settlement would automatically take a back seat the moment a superior officer arrived on the scene ; but, humiliating as it might have been to a man like van Riebeeck, it had its compensations, for it sometimes happened that when he was most sorely perplexed some gilded grandee would come sailing into the bay and, summoning the Cape Council to attend a joint sitting, would enable the commander to transfer his responsibilities.

On such occasions the commander would immediately surrender his seat at the head of the table to the illustrious visitor, but at other times, when there was no one of outstanding rank on the visiting ships, the commander would summon the joint Council himself and retain the presidential chair.

When a matter was too weighty for decision at the Cape, or when the rack failed to extort the

confession of guilt that was necessary for a conviction, the whole case was referred to the Council at Batavia; and when questions of law were involved the responsibility was shared with others, for van Riebeeck's Council was not ordinarily a court of law, and in all the possessions of the Company judicial matters were soon separated from the legislative and executive.

In the Cape it had been decided as early as 1656 that when the Council dealt with judicial matters it should sit as a "Court of Justice," with the addition of the Constable of the Fortress and two corporals; and when the Company's servants were granted their freedom (1657), first one and afterwards several of their number were nominated as extra members, bearing the title of "burgher councillors," to sit when cases affecting the burghers were tried.[1]

It was especially when sitting as a court of justice—the forerunner of the Supreme Court—that the Council was apt to get out of its depth. It had abundant instruments of torture at its disposal, such as the rack, the thumbscrew, the wheel, the bastinado, the wooden horse, weights, and a furnace for heating pincers, but it is doubtful whether it ever possessed an official Cape statute book.

[1] Strictly speaking, it is only after this separation of duties had been effected that the ordinary council, which dealt with the legislative and executive side, can be called the "Council of Policy." (See Burge's *Colonial and Foreign Law* (1907), Vol. I, p. 106.)

When it came to nice points of jurisprudence the Council was completely at sea, and even when trying a man for stabbing a boatswain's mate in the neck it got into difficulties as soon as the accused alleged that he had first been wounded in the back and had only used his knife in self-defence.

The longer it deliberated in such cases the more hopelessly it floundered. It was, however, well qualified to deal in a rough and ready way with domestic disputes and dereliction of duty, and, realising its own limitations, candidly recorded in one instance that " clever-headed barristers " were necessary, and that as such men were not available the case should be referred to Batavia.

The difficulties which arose from legislation and law were in these early days as nothing compared with the difficulties of everyday life, the hard work, the routine and sometimes the utter loneliness of the adventurous band in the fort. Sometimes, as van Riebeeck put it, they managed to extract " wonderful jokes and amusing oddities " from their dealings with the natives. Sometimes, indeed, a passer-by might have heard the scraping of a fiddle and sounds of revelry, but to the ears of the settlers in the fort, as they stretched their weary limbs at night, there came more often the yowl of the wolf, the roar of the lion, and all those eerie sounds that are borne on the hot air from the edge of the unknown.

Dog-tired and accustomed to danger, they would pay little heed to the phantoms of the night, but trusting implicitly in the vigilance of the night-watchman who patrolled the mud ramparts in steel morion and breastplate, they would kick off their heavy jack-boots and fling themselves down to rest.

For the moment they would forget their wild surroundings, and with minds drifting back to the countries from which they were separated by six thousand miles of ocean they would be lulled to sleep by the muffled beat of the surf on the beach and the whispered message of the sea as it surged in the deep-dug moat.

The old fort with its Council Chamber has vanished. No fragment exists to-day. Built of mud, its foundations were undermined by heavy rains in winter and its walls cracked by sun and wind in summer. The palisades were constantly collapsing, and one evening while Commander van Borghorst was sitting over his books at the Council table the wall of the chamber fell in with a crash.

Little damage was done, but since the foundations of a new stone castle had already been laid (1666) about a musket-shot from the fort, the Council decided to take the first opportunity of moving from their old quarters. On the 10th July 1674 it accordingly transferred its abode to the church in the castle until such time as the new Council Chamber should be completed.

The fort was abandoned, and only a week later it is recorded with grim satisfaction that soldiers were levelling " some heaps of rubbish."

II.—In the Castle (1674–1806)

While the dense walls of the castle were rising slowly at the Cape of Good Hope, the Dutch East India Company stood at the zenith of its pomp and power.

Formed from independent groups of adventurous merchants just fifty years before van Riebeeck landed, it had grown with amazing success. In 1669 it boasted forty ships of war, one hundred and fifty trading ships, and no fewer than ten thousand trained soldiers. It was a state within a state, differing only from the great nations of Europe in that its sovereign power, instead of being centred in one person, was vested in a Council of seventeen directors presided over by every member in rotation.

Sitting in Holland, the Council settled all the important commercial arrangements of the Company by a majority of voices, appointed officials both great and small, issued whatever instructions it pleased, and carried on the business with such efficiency that it was able to pay its shareholders a dividend of forty per cent.

As a power among the European nations of the

seventeenth century the Company is still remembered, but it is often forgotten to-day that its headquarters were early fixed at Batavia, in Java, where another council, called the " Council of India," administered the affairs of its seven dependencies in the East with an arm as long and well-nigh as strong as that of the redoubtable seventeen.

The " Council of India " was, in fact, a kind of Imperial Parliament, and was looked upon as a pattern by all the subordinate councils, such as the " Council of Policy " at the Cape, much as the House of Commons is now regarded by the legislatures of the British Empire.

It met ordinarily on Tuesdays and Fridays in the castle at Batavia, amid surroundings of impressive splendour. The floor of the assembly hall was of shining marble, and gracing the spotless walls were portraits by old masters of bygone governors-general. On a raised platform at the far end was an oval table, around which sat the councillors, six to nine in number—after the manner of the Council of Seventeen—and above the table hung a glistening canopy of green and yellow silk. A richly framed mirror, a panelled cabinet for papers, and a carved screen, near which a gorgeously apparelled halberdier stood on guard, completed a picture which, magnificent by day, was enhanced at night by the soft glow of a thousand wax candles.

In the President's chair at the head of the

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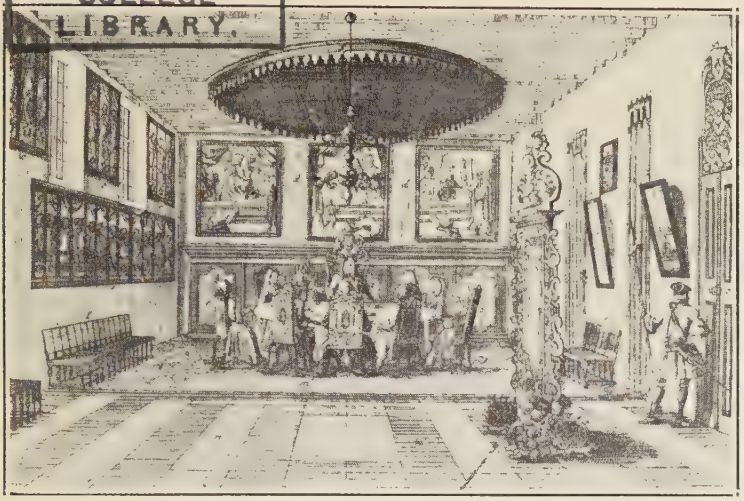

THE COUNCIL OF INDIA

The procedure and internal arrangements of this Council were copied by the Council of Policy at the Cape. The Council sat in Batavia and administered the affairs of the dependencies of the Dutch East India Company. Van Riebeeck, after he left the Cape, was appointed Secretary to the Council.

From a print, dated 1739, *in Heydt's "Schauplatz von Afrika."*

THE CASTLE

The erection of the stone castle in place of the old mud fort increased the status of the Cape among the dependencies of the Dutch East India Company and provided a handsome chamber for the Council of Policy from 1764 to 1795 and, under the Batavian Republic, from 1803 to 1806.

From a water-colour drawing by H. C. de Meillon in the Mendelssohn Collection

table, resplendent in full-bottomed wig, a scarlet coat worked in gold at the button-holes, ruffles and fine lace, sat the most puissant official in all the Dutch Indies—the Governor-General himself. His will was absolute. He had a deliberative as well as a casting vote, and if outvoted or outargued had only to say " Ik neem het op mij " (I take the responsibility) and discussion ceased as effectively as under the modern closure.

There were lesser kings in Europe at that time who on their tarnished thrones may well have envied the state that was kept by this exalted servant of a dividend-earning corporation. The Governor-General, indeed, held court and claimed honours that are usually paid only to sovereigns. He met Indian princes, attended by their glittering retinue, on terms of equality, and often outshone them in oriental splendour. Whenever his great coach rolled out of the palace gates he was attended by a clattering procession of gentlemen-at-arms, mounted halberdiers, and picked horsemen, while trumpeters in front and behind sounded a fanfare that silenced the thud of hoofs and dulled the echoing ring of steel.

Such was the grandeur of Batavia when she was famed as the " Queen of the Eastern Seas," and the Cape was known as the " fortress of India."

These two phrases happily explain the relative positions of the two dependencies and give the key to the constitutional position of the Cape.

For as long as the Cape remained a humble refreshment station with an insignificant mud fort, its administration was a matter of little moment to the seventeen, and it was only when the great stone castle was built—only when the Cape gained recognition as the "fortress of India"—that its administration was raised to the dignity of a Government.

Simultaneously its commanders were raised to the proud rank of governors, and soon afterwards (1685), when Hendrik Adriaan van Rheede came to the Cape, the Council, from being but the pale shadow of its prototype in Batavia, was given form and substance of its own.

Van Rheede had himself been a member of the Council of India. He was recognised as a capable administrator and, invested with full authority by the seventeen to make such changes in the form of government at the Cape as he might think fit, he at once increased the number of members of the Council of Policy from four to eight officials and carefully defined their duties. But besides being a capable administrator van Rheede was a great noble. Lord of Drakenstein and Mydrecht, a master of all the arts and graces and well versed in the ways of the world long before he had grown sallow in the service of the Company, he realised that quite as much depended on the character of the members themselves as on the form of the legislature or the nature of their duties.

In some remarkable instructions which he

wrote for the new Council he accordingly exhorted its members to be irreproachable in their conduct and to foster respect for the laws of the country by precept and example. They were " diligently to obtain knowledge and experience of affairs, not only of their particular calling or office, but also of the country and its people." None should presume " to crow over the Council," but all were to give advice " without prejudice, fear, or favour, considering matters rather than men, and with such modesty and moderation that though their advice might not be to the liking of their chief, their respect might remain unimpaired."

Van Rheede did not overlook the importance of stable procedure, but for two hundred years the colony had no formal constitution and the procedure of the Council depended almost entirely on tradition or on disconnected instructions from Holland or Batavia, and the memoranda left by one governor for another.

There was not much similarity between the practice of the Council and the modern practice of Parliament. Petitions were often presented by the petitioners themselves, and while divisions and differences of opinion were frequently recorded, it is not clear from the records whether the voting was done simultaneously or whether the voices were taken in rotation as is sometimes done in Holland to-day. When information was required anyone might be summoned before the

Council to give evidence, the burgher councillors might be consulted, or members might be asked to report on the matter individually or collectively, but the Council was obviously too small a body to admit of the elaborate system of committees with power to take evidence which was then favoured by the Council of Seventeen and is now familiar to every member of Parliament.

Another point of difference was the peculiar system of recording "secret resolutions" (secreete resolutien). These resolutions are preserved in three separate volumes, as compared with over one hundred volumes of ordinary resolutions, and have generally been supposed to relate to matters which were secret in the ordinary sense of the word. But it seems to have been overlooked that all the proceedings and documents of the Council were secret and that no strangers were allowed in the Council Chamber. As a matter of fact, van Rheede in reforming the Council had expressly stated that, in order to safeguard the collective responsibility of the Council, its members "should be most careful not to discuss with individuals matters debated at Council meetings even though it had not been stipulated that those matters should be kept secret"; and if the student of history expects to discover dark mysteries of state in these so-called secret resolutions he will be deeply disappointed, for he will find that as a rule they deal with mere routine, while many of

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COMMISSIONER H. A. VAN RHEEDE
(Lord of Drakenstein).
Who in 1685 reformed the Council of Policy and defined its duties.
From a copy of a print in the Cape Archives.

the ordinary resolutions are of the most private nature. The explanation is probably to be found in the fact that there was no separate executive council, and that such matters as would have been considered by the "Cabinet" or the "Geheime Raad" of the Netherlands were marked "secret" and kept distinct from the ordinary work of the Council.

The Council Chamber, a forty-feet room in the centre of the castle, furnished in the style of the Council of India, was approached from the handsome balcony known as the "Kat." The Council generally met on Tuesdays, from nine till noon, but when necessary it would sit on every day of the week, including Sunday. It was summoned by the pealing of a bell which hung over the gate of the castle, and when the members entered or left the castle the garrison paid them a martial salute—an honour done to no others at the Cape.

Conscious of the distinction, they carried themselves as befitted their station of life, and, while they lived up to van Rheede's ideals, conducted the affairs of the colony with seemly dignity. But seemliness soon disappeared and by the time van der Graaff (1785–1791) came to occupy the Governor's chair there had been a series of disgraceful scenes, culminating in a brawl in which the Governor himself had drawn his rapier and engaged with the leader of his opponents.

It goes without saying that these scenes would in themselves have discredited the Council, but even before they had become a public scandal an inherent flaw in the ship of state—revealed when van Rheede overhauled it—was proving fatal to the whole administration.

To understand the position one has to remember that, from the earliest days until the Dutch East India Company disappeared in a cloud of ignominy, the Council of Policy was the commercial representative of a commercial company. Nothing more and nothing less. This was all very well while the population of the Cape consisted entirely of servants of the Company, but trouble was bound to arise, and did arise, the moment the free settlers appeared on the scene. Without sharing in the profits of the Company, and without representation in the Council, they were taxed and governed as a race in subjection. To make matters worse the Council of Policy could never make ends meet, and as the deficiency had to be made good out of the Company's coffers the settlers were called upon to fill them.

The result was that in times of national prosperity the settlers nursed their grievance and in lean years occupied themselves in execrating the Government. From time to time the more venturesome trekked from the seat of officialdom, while those who stayed behind made it their first duty to harass the Governor and Council. Starting only nine strong they were

easily kept at arm's length, but their ranks were gradually swelled and on van Rheede's arrival they had increased to six hundred and had spread as far as Stellenbosch.

To meet their needs at Stellenbosch van Rheede improved their form of local government by adding a "Landdrost" to the "Heemraden" appointed three years earlier. This system, which had originated in the Netherlands in the Middle Ages, combined the functions of a civil court and district council in so homely a way that it won instant popularity and was applied throughout the colony until the necessity arose for substituting magistrates' courts.

But when van Rheede turned his hand to the central government he was by no means so skilful or so fortunate. Perhaps, being a nobleman of the old school, he personally approved of the old system under which burghers were little more than serfs. Of course we can all be wise after the event, but to us of the twentieth century he appears to have failed to read the storm signals which must surely have been visible around him, and—quite contrary to what one might have expected of so prudent a statesman—he aggravated the worst feature of government by explicitly instructing the Council "to pay more attention to what was due to or belonged to the Company than to what was due to or belonged to others" [meer lettende op 't geene dat haer (D'E. Comp.) dan andere toekomt en behoord].

It is true that in so doing he only gave expression to an underlying principle of the Company's rule, but by stressing it when it called for modification he made what time proved to be a grave error, and when only a few years later the French refugees joined forces with the discontented colonists they sealed the doom of the Council and all it stood for.

The Council, pursuing a reckless policy of self-interest, sailed gaily on to destruction. The extravagance and corruption which were to rot the most powerful Company in the world soon spread to the Cape, and while the colonists toiled behind the plough only to be deprived of the fruits of their labour by arbitrary restrictions, we see the Governor and his councillors, with raised goblets and flushed faces, seated around a table where, according to an eye-witness, " they drink and revel, bouze and break glasses, what they please."

The result was inevitable. Adam Tas and his friends at Stellenbosch, many of whom were French, sent secret documents to Holland and Batavia (1705) in which they boldly charged Governor Adriaan van der Stel with corruption, extortion, and oppression. Tas was flung into prison, but the charges were proved and the Governor was recalled in disgrace. The Stellenbosch affair was followed by an insurrection at the Paarl (1739) when the swashbuckler Barbier urged the inhabitants not to pay their taxes.

Barbier was drawn and quartered. His head and right hand were nailed to a stake in Cape Town and his four quarters were set up on stakes in the country.

Peace was restored by the good government of Swellengrebel and Tulbagh, but when honest Tulbagh died good government was buried with him and the struggle began again.

The battle-cry of the revolting Americans, the cry of "no taxation without representation," found a ready echo at the Cape, and undeterred by the fate of Tas and Barbier several hundred burghers (1779) elected a deputation of four members[1] to claim in Holland that among other things the burghers should be given seven seats in the Council of Policy. It was, after all, exactly what the British South Africa Company gave to the settlers of Southern Rhodesia as a matter of course a century later, but the Council of Seventeen could not bring itself to see how the colonists could be granted seats on the council of a commercial body in which they were not shareholders.

Still the colonists held tenaciously to their claim for representation. Further memorials were sent to Holland (1784) and the seventeen, reluctantly admitting the principle that there should be no taxation without representation, agreed that three burghers and three servants of

[1] One of the leading members was Mr. Tielman Roos, a forbear of the Minister of Justice in the Union Parliament.

the Company should form a sort of Committee of Ways and Means to advise the Council of Policy as to the method and incidence of taxation.

This committee, or board, first appointed in 1786, had many other local duties to perform, and is of particular interest because, developing first into the " Burgher Senate," it afterwards became the " Town Council," and as such was the forerunner of municipal institutions as they exist in South Africa to-day.

But even before the new arrangement took effect the burghers showed their dissatisfaction with the concessions they had won by sending a second deputation to Holland. This time they carried their complaints direct to the States General. James the First, when faced with similar difficulties in Virginia, had revoked the charter of the London Company and had reserved to himself the right of nominating the governor and council of the plantation. Charles the First had gone even further and had declared that government should not be committed to any company to whom it might be proper to trust matters of trade. But the States General of the Netherlands let the golden opportunity slip through its fingers and did nothing.

With imaginations fired by tales of the French Revolution those who had trekked to Graaff-Reinet and Swellendam now broke into open revolt. Flaunting red, white and blue cockades

in their hats, they created national assemblies and declared their districts to be republics. In the Cape peninsula everything was in confusion. There was wild talk of making Cape Town a free port—" the friends of all nations but the slaves of none "—and the lives of many prominent officials were actually proscribed. The Dutch East India Company had closed its books and the Council of Policy, still constituted as van Rheede had left it, sat helplessly in the great chairs which had been provided in the stately days of the Company's strength. The very roof of the Council Chamber, once dark green, was almost black ; the yellow and white striped paper was covered with dirt and the green damask cloth spread over the table was stained with ink. A climax had been reached and, as in most great dramas of life, the unexpected happened.

In June 1795 the British forces sailed into Simons Bay, and on the 16th September the British commander took over the entire government, legislative and executive, from the Council of Policy.

In shouldering the whole responsibility the commander and the governors who succeeded him were handicapped by the natural aversion of the burghers to government by conquest, as well as by the animosity towards all constituted authority which had been engendered by the Company's rule at the Cape. But they made as few administrative changes as possible. Several

of the best type of Dutch civil servants consented to serve under the new regime. The republics of Graaff-Reinet and Swellendam capitulated and, greatly assisted by the entertainments of the inimitable Lady Anne Barnard, the administration was making better headway than might have been expected, when in 1803, under the Treaty of Amiens, the colony was handed over to the Batavian Republic.

It was then that Jacob Abraham de Mist, one of the most brilliant men of his day and an accomplished statesman, was sent from Holland to put the government of the Cape on a proper footing. A political philosopher with a cool brain and a sense of decorum equal to van Rheede's, no better man could have been chosen to remodel the Council. He at once discerned the fatal flaw that van Rheede had failed to remedy and publicly proclaimed that for the future the Council, although still known as the "Council of Policy," would be a national institution answerable to the Netherlands, but "no longer dependent upon the High Regency at Batavia nor upon any commercial body whatsoever." A colonist was nominated to sit in the Council, and soon afterwards, owing to de Mist's good offices, the colonists almost succeeded in obtaining a voice in the election of representatives. In 1806, however, owing to renewed hostilities in Europe, the Cape again fell to the British forces and a British Governor once more

took all executive and legislative functions into his own hands.

Historians may assert that with this event the Council of Policy ceased to exist. But actually it passed away only to reappear under another name and in another generation.

PART TWO

THE COUNCIL OF ADVICE

(1825–1834)

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THE COUNCIL OF ADVICE

(1825–1834)

In the year 1825 British Governors at the Cape, after ruling without a legislature of any kind, were suddenly provided with an advisory council. What sort of a council this was, how it worked, where it sat, and what transformed it into a "legislative council" nine years later, has for some reason or other been allowed to remain a mystery.

Even now it is not known who first recommended it or how it came to arise on the ashes of the Council of Policy. Andrew Barnard, who was Secretary to the Cape Government when the Governor first reigned supreme, often sighed for some form of council to advise and assist His Excellency; and Dr. Sweetman in his recent work on *Australian Constitutional Development* states that at about the same time the Governor of New South Wales recognised the necessity for an advisory council there. But what is of greater consequence in tracing the continuity of parliamentary institutions in the Cape is an interesting letter to the Colonial Office in

Downing Street from an old Dutch official named Andries Muller, which was reprinted in *Theal's Records* and then lost sight of.

Muller, a South African by birth, had not only held office under the Dutch East India Company, but had once been a member of the Council at Batavia. Subsequently he had taken office under the British Government at the Cape, and while on a holiday in Geneva in 1822—before either the Cape or New South Wales[1] had been granted an advisory council—he had occasion to express an opinion on Cape affairs.

"To trust the Governor Commander-in-Chief with the full power of governing is quite the best way," he tactfully remarked in the letter; "but every British colony, if I am not mistaken, even Gibraltar, has the benefit of a charter. My opinion is that the Governor of the Cape should have a council given him to assist him and discuss everything that may concern the colony, but in case the majority were to advise contrary to the Governor's mind or proposition he should not be bound to submit and act against what he thinks fit; but the different opinions and protocol of the council must be set before the eyes of His Majesty's Ministers at home who may judge."

In other words, Muller suggested that a council should be established at the Cape

[1] New South Wales was granted an advisory Legislative Council in 1823 very similar to the Advisory Council established in the Cape in 1825.

similar to the old Council of Policy which he knew the Dutch East India Company had found necessary to enlighten or curb a headstrong Governor.

The suggestion was well timed. Poverty, arising from the "industrial revolution" in England and the wars with France, had recently revived an interest in the colonies as convenient asylums for a surplus population. The 1820 settlers were prominent in the outward stream, and among them were independent spirits who, clamouring against the autocratic form of government they found at the Cape, reawakened the political instincts of the older inhabitants, and worried Downing Street into sending a Commission of Enquiry to investigate their grievances.

Theal asserts—and most other historians have adopted his view—that the council was appointed as the result of this commission's recommendations, but he does not explain how the report of the commission came to be drawn up after the council had actually been appointed, and it seems to be more than a coincidence that the constitution of the council very closely followed the lines of the old Council of Policy so quaintly suggested by Andries Muller.

Indeed, it seems only natural that the Council of Policy should have been revived in one form or another, for Downing Street had purposely taken over almost all the machinery of government they found at the Cape. Even the

" V.O.C." monogram of the Dutch East India Company was retained on some of the Government documents, while the British crown was embossed on others; and since the necessity for a military dictatorship had long since disappeared, it is only remarkable that the principle of regular consultation, established under the Dutch East India Company, was allowed to remain in abeyance for so many years.

At all events it now became clear to Downing Street that the time had arrived for the appointment of men at the Cape who might " advise contrary to the Governor's mind or proposition." The necessary instructions were issued and at one o'clock on the 4th May 1825 His Excellency the Governor, Lord Charles Somerset, assembled six of his principal officials at Government House and announced that henceforth they would form an advisory committee over which he would preside in person. These officials, in the order of their precedence, were :

Sir John Truter, Chief Justice, and one time Secretary to the Council of Policy under the Batavian Government ;

Sir Richard Plasket, the Secretary to the Government ;

Col. J. Daniell, the second-in-command ;

Lt.-Col. J. Bell, the Deputy Quartermaster-General ;

W. Bentinck, the Auditor-General ; and

J. W. Stoll, the Treasurer.

From Government House this little procession sedately wound its way on that auspicious autumn day through the Governor's sweet-scented, well-kept garden until they reached the building in which a council room had been set aside. Here, " before God and the world," they took the customary oaths, to which the Governor had on his own responsibility added the oath of secrecy. A royal salute was then fired from the castle walls, the members took their seats, the spectators retired, and behind closed doors the Council began its first sitting.

The manuscript minutes, which are preserved in four massive volumes, give little indication of the exact whereabouts of the room in which the Council sat. One entry (5th November 1827) describes a meeting as being held in " the Committee Room of the Court of Justice " ; but generally the meeting-place is simply described as the " Council Chamber," and it is only by carefully piecing together the Governor's correspondence on the state of public buildings, miscellaneous proclamations, and the correspondence of the first Clerk, Dudley Montagu Perceval, that one can come to any definite conclusion. From these, however, it is pretty plain that from its first meeting until the 5th November 1827 it sat in the staff cottage of Government House (afterwards converted into the Colonial Office), which used to stand in the north-east corner of the present parliamentary

grounds ; and that from that date until its last meeting in 1834 it sat upstairs in what is still remembered as the record room of the old Supreme Court buildings.

The Council, consisting as it at first did of only official members, was no more powerful or representative than the old Council of Policy. Its members had the right of free speech and were dignified by the imposing title of " honourable " as in most other colonies where there was a legislative council, but its procedure was delightfully vague and the only rules observed were those laid down in dispatches from the Secretary of State to the Governor. The revenues of the colony were regarded as the private property of King George IV, and the Council had no control over finance. It was as yet too small a body to appoint select committees, and although it sometimes took evidence, it had no power to enforce the attendance of witnesses. Only the Governor, who presided, could initiate legislation or receive petitions. Its authority was explicitly subordinated to that of Downing Street. There were no regular sessions and it seldom sat for two consecutive days.

It still combined legislative and executive duties, but there was a distinct advance in the manner in which it passed its legislation. At its first meeting it was informed by dispatch from the Secretary of State that all its bills, or " ordinances " as they were then called, were in future

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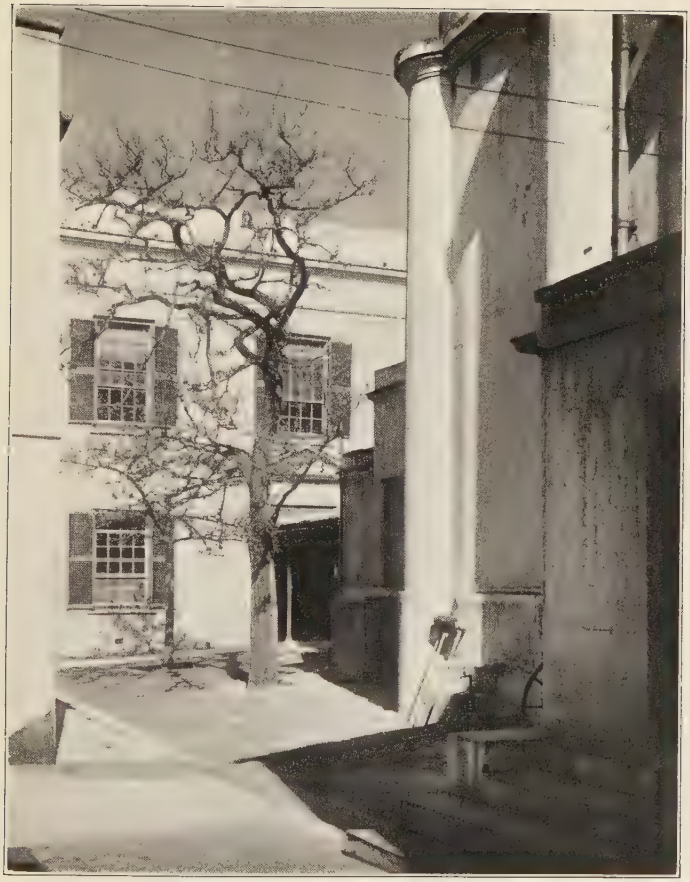

THE COUNCIL CHAMBER

The upper windows facing into the Courtyard of the old Supreme Court Buildings are those of the Council Chamber which was occupied by the Council of Advice from 1827 to 1834, by the nominee Legislative Council from 1834 to 1853, and by the representative Legislative Council from 1854 to 1884.

From a photograph by A. Elliott.

to be passed in a uniform manner and " with greater solemnity than has hitherto been observed." In accordance with instructions they were carefully drafted by the Fiscal and submitted to the Chief Justice for opinion as to whether they were consistent with fundamental laws applicable to the Cape, and amendments were carefully scrutinised in the same way.

In form there was also a distinct improvement. Every ordinance had a preamble and sidenotes. But while most of them were subjected to three readings, as bills are to-day, the members had very little control over their ultimate form or passage.

Sometimes the Council would show its independence by rejecting an ordinance, but more often it was informed that for one reason or another His Majesty " had been pleased to disallow " ordinances which it had carefully considered ; and if there was any serious difficulty in passing a measure the Governor had no hesitation in exercising the supreme authority which he still retained. Thus in 1827 the Governor twice submitted ordinances to the Council, and in the imperious manner of a Tudor or Stuart monarch announced that Downing Street required them to be passed by a fixed date. It was a sad blow to the self-respect of the whole Council. Even the calm temper of the Chief Justice was ruffled, but prerogative outweighed privilege and in 1832 Governor Sir Lowry Cole

went even further and unblushingly informed the Council that in order to avoid delay he had adopted the simple expedient of withdrawing an ordinance and published it on his own authority as having been passed.

The procedure of a legislature can never be dissociated from the permanent officials who are the presiding officer's technical advisers, and if only for this reason some mention should be made of its first Clerk, Mr. Dudley Perceval. His appointment is especially interesting in view of the fact that he was the son of the English Prime Minister who was assassinated in the House of Commons by a madman.

The circumstances of that unique tragedy may be briefly recalled.

The Prime Minister was walking into the House of Commons when a shot rang out. He walked on a pace or two, and murmuring, " Oh, I am murdered ! " fell to the floor.

" Where is the rascal that fired ? " cried an officer of the House, and a gaunt stranger, rising from a seat, said : " I am the unfortunate man."

When the Prime Minister's dead body lay in the Speaker's chamber, his brother exclaimed : " His dear children—what will become of them ? " and a member standing by replied, " My lord, be comforted ; they are the children of his country."

It was easy in those days of patronage to secure a good appointment for the son of a Prime

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DUDLEY MONTAGU PERCEVAL, C.B.

(b. 1800, d. 1856)

The first Clerk of the Advisory Council (1825-1828) who, by relying on the precedents of the Council of Policy, formed an important link between the two Councils. He was a son of the Prime Minister who was murdered in the House of Commons in 1812.

From a portrait in the possession of his grandson Dudley Perceval, Esq.

Minister, and it is not surprising to find that, as soon as it was decided that there should again be a council at the Cape, Earl Bathurst wrote personally to Lord Charles Somerset informing him that the King, in appointing Dudley Perceval as Clerk of the Council, had been pleased to direct that he should start with a salary of £800—which was fairly good pay in those days, considering the office hours were from twelve to three o'clock.

Shortly after his arrival Perceval married the beautiful daughter of Major-General Bourke, the Lieutenant-Governor, and from the easy tone of his official correspondence, as well as from his manuscript letter-book which has recently found its way into the library of the Union Parliament, it is obvious that he was on very intimate terms with Lord Bathurst, the Secretary of State for the Colonies, and Mr. R. W. Hay, the Under-Secretary of State.

Mr. Perceval was only twenty-five when he took office. He was educated at Harrow and had taken his degree at Oxford. Although happy-go-lucky in his private affairs he proved capable of mastering the details of his administrative duties when he brought his mind to bear on them. He was responsible for the system which still obtains of keeping the minutes separate from the documents laid on the table; he devised what amounted to the modern loose-leaf method of entry; he started a system of indexing which

compares favourably with many in existence to-day, and in all his work he was careful to follow, where possible, the practice of the old Council of Policy. In some distinctly breezy official letters he showed that he had a better grasp of colonial problems than many of the Council members, and when he married he succeeded in getting his office combined with that of Auditor-General at a salary of £1000 a year.

On the whole the Council was not a very happy family. Plasket, the Secretary to the Government, a most capable official, had had his health undermined by previous service in India and Malta. Those who sought him in his office found him with his hands pressed to his head in a vain effort to still those throbbing headaches which he confessed made sleep a mockery and day a perpetual nightmare. Finally, his health broke down completely, but before he could be released from his duties he was responsible for a scene in the Council and a squabble with the Lieutenant-Governor, Bourke. Bourke, of course, blamed Plasket, but Plasket, in blaming Bourke, complained that for months the Lieutenant-Governor had treated him with little of the respect due to his high office, and had intentionally slighted him by sending down "dry little notes" instead of consulting him personally.

When Bourke went so far as to introduce an

important ordinance into the Council without so much as discussing its provisions with him, Plasket, who was a proud man and a conscientious official, asked for time in which to consider the measure. This was refused, the ordinance was passed, and Plasket (19th December 1827) left the Council room in a justifiable rage to write out his resignation.

Another incident which caused a good deal of feeling arose when Sir John Wylde succeeded Sir John Truter as Chief Justice. Wylde never claimed to be a great lawyer, but he was a fluent speaker and had all the dash and spirit one associates with the young bloods of the Prince Regent's day. On the 2nd January 1828 he appeared in the Council Chamber to take the numerous oaths to which members of the Council were required to subscribe. On hearing the terms of the oath of secrecy, however, he strongly objected to it. How could he, he asked, discuss ordinances with his brother judges if he were precluded from mentioning the opinions expressed in the Council? A few days later he obtained permission to argue his objection before the Council. This he did with some heat, but finding he was not making much impression, he offered to take a modified oath. The Council, however, was adamant, and so, willy-nilly, he took the oath and revenged himself by filling twenty-seven pages of the Council's minute book with his remonstrances.

A month or two later he had another difference of opinion with the Council and took up another ten pages of the minute book in defence of a claim he had made to record his objections to measures considered by the Council during his absence. He roundly condemned the Clerk of the Council for daring to question the right of the Chief Justice to record any opinion, reproved the Governor for backing up the Clerk, and fulminated against the Council as a whole for backing up the Governor. Grave doubts were entertained as to the wisdom of associating the judiciary with the legislature and an end was put to Wylde's differences of opinion with the Council by a diplomatic dispatch from Downing Street received during the same year (1828), stating that His Majesty had been graciously pleased to dispense with the services of the Chief Justice as a councillor of the Cape Government.[1]

Meanwhile the Council had engaged in a lively contest with a young Scots editor that had farther reaching effects than any of its domestic disputes. The editor was no less a person than Fairbairn, who had already emerged with flying colours

[1] Later on in the same year the services of the Chief Justice were dispensed with in the Council of New South Wales (*Australian Constitutional Development*, by E. Sweetman, pp. 55–56), but in the Cape, when representative government was granted in 1854, the Chief Justice became *ex-officio* President of the Legislative Council, and Wylde, who was still Chief Justice, occupied that position until his tragic death soon afterwards.

from a dispute he had had with the Governor and whose name was to become a bye-word in the constitutional development of the Cape. Fairbairn, it appears, flushed with his victory over the Governor and careless of the consequences, neglected to take out a licence for a weekly paper he proposed to publish. When the Council sent for him it was found that he was out of town. But the Governor, as President of the Council, kept a rod in pickle, and on the 12th January 1826, when Fairbairn put in an appearance, he was asked to explain his conduct. His explanation was so pointless and his excuse so provocative that the Colonial Secretary asked him bluntly whether he was or was not prepared to apply for a licence, and Fairbairn brusquely retorted, " Certainly not."

The publication of the weekly paper was promptly suspended. Fairbairn made some scathing remarks about the affair in the *Commercial Advertiser*, and on the 26th January he was back again at the bar of the Council. This time it was for " a malicious attack on His Excellency," and after cross-examination he was formally admonished. But the matter did not end there, for although Fairbairn failed to treat the Council with proper respect, the Council for its part made no allowance for the sincerity of the young editor's motives and the risks he was prepared to take in his efforts to improve the form of government. Returning to the

editorial chair of the *Advertiser* he denounced the Council as a mere screen to cover the actions of the Governor, and while fighting for the liberty of the Press, encouraged the inhabitants to lay claim to representative institutions.

In the same year a petition for representative government, signed by some sixteen hundred persons—the first of a steady stream—was sent to the House of Commons. The petition had no direct result, but soon afterwards there happened to be two vacancies in the Council, and instead of filling them from the officials of the public service it was decided, in view of the pending abolition of certain popular institutions,[1] to appoint two colonists.

One of these two colonists was Sir John Truter, formerly Chief Justice, and the other was Fairbairn's bosom friend, Captain (afterwards Sir) Andries Stockenström. Both took their seats as the first colonists appointed to a State Council by the British Government in January 1828. Truter had always supported the Government, and it was expected that Stocken-

[1] The Commission of Enquiry in its report, dated the 6th September 1826, approved of the Advisory Council, but recommended that the Burgher Senate (the Municipal Council of the Cape) should be abolished and its functions vested in Government officials ; that the Courts of Landdrost and Heemraden should be replaced by qualified resident magistrates ; and that the Court of Justice should be replaced by a Supreme Court of independent judges with jurisdiction in criminal cases. These recommendations were approved of and took effect from the 1st January 1828.

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HON. SIR JOHN TRUTER

(b. 1763, d. 1845)

Sir John was Secretary to the Council of Policy under the Batavian Republic, and hen the Council of Advice was established was given a seat first as Chief Justice 825-28) and afterwards as a nominated member (1828-34).

From a portrait reproduced in a monograph by C. Graham Botha.

ström, having accepted a seat on the Council, would dissociate himself from Fairbairn's attacks on it. To their surprise, however, he never lost an opportunity of declaring that the Council, as a step towards reform, was the greatest insult that could have been inflicted upon the common sense of any country. He constantly exercised his restless spirit in quarrelling with Government officials or threatening to resign, and in 1833 was engaged in a fierce attack on the Governor when his legislative career was brought to a temporary end by a guarded but firm suggestion from the Imperial Government that it would be better for him and the Council if he ceased to be a member.

Meanwhile, the clamour for representative government had arisen like the muttering of a distant storm, and before the Council held its last meeting a few months after Stockenström's enforced resignation the wind of popular disfavour was howling through every nook and cranny of the makeshift constitution.

The first petition to the House of Commons for representative government had been followed by other equally unsuccessful petitions, and angry slaveholders might have been seen buttonholing passers-by at almost every street corner in Cape Town. The coffee-house in the Heerengracht (now Adderley Street) was agog with excitement, and the steps of the Commercial Exchange were crowded with gesticulating tradesmen.

Had they heard the news? Downing Street, by an Order in Council, was going to meddle with their slaves. What did Downing Street know about slaves at the Cape? What earthly good was their Advisory Council, sitting in Cape Town, if it was to be dictated to by Downing Street? Adopting Fairbairn's simile they vowed it was a screen for the sinister designs of a callous Government, while newcomers, applying Stockenström's phrase, agreed that it was an insult to the intelligence of the public.

The air was electric, and there was a dangerous flash from a sullen cloud when, in the spring of 1832, a meeting of slave proprietors declared that nothing but a representative assembly, giving them a say in the disposal of their slaves, would ensure the happiness of the colony or secure their co-operation.

Now in those days the Cape had no political constitution or charter other than the written instructions given to its governors by Downing Street. New governors might bring new constitutions in much the same way as one might bring out a new suit of clothes for a distant relative, trusting to luck and the tailor that the suit would be a good fit.

Hence, when Sir Benjamin D'Urban, the new Governor, arrived at the Cape on the 16th January 1834, more interest than usual was taken in the ceremony which took place on his

installation. Troops lined the streets, and by the time His Excellency arrived at Government House the Advisory Council and a large number of expectant inhabitants had assembled to hear the instructions read. After being sworn in by the Chief Justice, His Excellency was introduced to the members of the Council and several others. His commission was then read aloud, and long before it had been finished all who were present realised that with its reading the Advisory Council had come to an end, that Downing Street had met the demands of the colonists half-way, and that, although several of the Government officials were to remain councillors, the colony had been provided with a reformed constitution.

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PART THREE

THE FIRST LEGISLATIVE COUNCIL

(1834–1853)

PART THREE

THE FIRST LEGISLATIVE COUNCIL

(1834–1853)

The coming of Sir Benjamin D'Urban marked the dawn of parliamentary government.

For the first time in the history of South Africa a clear distinction was drawn between legislative and executive matters by the appointment of a separate Executive Council, consisting of the principal Government officials.

This paved the way to an even more important change in the personnel of the Legislative Council, and the inhabitants were relieved to learn that it was to be enlarged by the inclusion of several well-known residents. Altogether there were to be not less than ten nor more than twelve persons presided over by the Governor. Of these, five[1] were to be officials, and the remainder were to be residents appointed by the Governor from the chief landed proprietors and principal merchants of the Cape.

[1] Increased to six from 1840, owing to the frequent absence of the Officer Second in Command of the Troops. From 1852 to 1853 the Lt.-Governor took the place of that officer. See Annexure C.

To these unofficial members the people pinned their waning hopes. They were to have freedom of speech and the right to introduce legislation. They were to be given the title of "honourable," and were to hold their appointments for life.

The new Council met upstairs in the old Supreme Court building, where the old Advisory Council had sat; but how it acted nobody really knew, for, like the Advisory Council and the old Council of Policy, it met behind closed doors.

Profoundly uneasy as to whether the unofficial members were fulfilling expectations, the inhabitants of Cape Town held another public meeting, demanding a representative legislature, and about six months after the Council had been constituted, some of their most ardent spokesmen climbed bravely up the twisting stairs leading to the Council Chamber, and, rapping at the door, craved admittance in the name of the public. For three hours they cooled their heels in an ante-room while it was debated within whether it would be a sign of weakness or of strength to yield to popular clamour. Eventually, however, they were informed that in future a limited number of strangers and reporters would regularly be admitted after prayers, and soon afterwards they had the satisfaction of learning that as a result of their success similar concessions were being granted in New South Wales and Tasmania.

When the doors of the forbidden chamber were thrown open the unofficial members were found to be distinctly uneasy. Although unwilling to embarrass the Government they were anxious to please the public, and at the same time to show a certain amount of manly independence.

To anyone watching the proceedings of the Council in these early stages it must have been only too apparent that the Governor usually dominated both the official and the unofficial members either by tact or temper, or the powers with which he was armed. He had a deliberative vote as well as a casting vote, and if defeated could disallow measures passed against his will. Theoretically, members were allowed freedom of speech, but how far they could exercise it depended more on the Governor's pleasure than on the constitution. So long as the Council was presided over by tactful, level-headed governors like Sir Benjamin D'Urban, questions were decided on their merits in hum-drum fashion, and there was a reasonable amount of give and take; but skirmishes between the official and the unofficial members were inevitable, and when Sir Benjamin D'Urban was recalled and Sir George Napier took his place (1838) events at once took a livelier turn.

Sir George had the courage of a lion and the temper of a tiger. When he was not coldly aloof he was scathingly cynical, and an unfortunate incident at the time he took office showed that

he had little tact. It was found on the terms of his appointment being made known that by a stroke of the pen the unofficial members of the Council, the only hope of the colonists, were no longer to hold life appointments or to have the cherished right of introducing public measures. They promptly recorded their protest in the minutes and made no attempt to conceal their indignation at the loss of their prestige. Sir George, on the other hand, made no attempt to conceal his indifference to what he regarded as a trivial alteration, and did not flatter their vanity when, after informing them later in the year that their status had been restored, he casually added that it happened to have been reduced by a " mere oversight."

His idea of the manner in which a presiding officer should maintain order was certainly unique. On one occasion an unofficial member happened to remark that if Downing Street had listened to the advice of Sir Benjamin D'Urban certain evils would not have arisen. Sir George at once called the member to order.

" I cannot sit here," he said with great heat, " and suffer reflections to be cast upon Her Majesty's Government as having acted wrong, and I will not bear it. Such remarks, as President of the Council, I positively will not allow."

On the member questioning whether he was out of order, His Excellency brought down his left hand with a crash—he had lost his right arm

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MAJ.-GEN. SIR GEORGE NAPIER

(b. 1784 d. 1855)

As Governor of the Cape of Good Hope, Sir George was President of the Legislative Council from 1838 to 1844. Although recognized as a brave and distinguished soldier he often aroused public indignation by flouting the unofficial members.

From the copy of a portrait, by an unknown artist, in Government House, Cape Town

when leading a storming party at Cuidad Rodrigo. "I say you are," he exclaimed. "I say you are out of order. If the honourable gentleman persists I shall adjourn the Council." And he meant what he said, for on another occasion, when irritated by the opposition of the unofficial members, he pushed back his chair and rose to his feet. With studied contempt he looked from one face to another, apprised the meeting that, since he had important matters to attend to, the Council would stand adjourned for two days, and, adjusting his cravat, stalked out of the room.

At one time or another nearly every member was the victim of his uncertain moods. Ebden often stood up to him, and Hamilton Ross braved his wrath, but only one member came out with flying colours. That member was William Porter, a man who is still remembered with affection and esteem by all who knew him. Porter came to the Cape as Attorney-General in 1839, and from that date until he returned to England in 1873 he was the foremost figure in parliamentary life. He stood over six feet in his polished hessians, was broad of shoulder and straight of limb. Someone who saw him on his arrival wrote that he had the face of a Greek god, and another on meeting him vowed that he was a prince among gentlemen. He was the lion of society, and when it was heard that his eloquence surpassed anything that had been

heard at the Cape, a new interest was given to the debates of the Legislative Council.

Soon after he took his seat in the Council, Mr. Ebden's Bills of Exchange Ordinance, which had caused a great deal of commotion out of doors, came up for consideration, and the Governor, after expressing his own hostility to it, turned to Porter and called upon him, as His Majesty's Attorney-General and as a member of the Executive Council, to oppose it.

To the amazement of the onlookers, who had been accustomed to see the Governor have his own way, Porter quietly rose and said that with profound respect to His Excellency he would follow the dictates of his own mind. He approved of the measure and roundly declared that if he ever found that his office precluded him from giving utterance to his own sentiments, he would look out for the first vessel that was to leave Table Bay and bid adieu to the colony.

The Governor, when he had recovered from his surprise, hastened to assure Porter that he had not the least intention of interfering with the right of free speech; but it cannot be said that there was any marked alteration in his attitude towards the rest of the Council, and one is led to think, after reading the debates of his time, that credit must be given either to the members themselves or to the Clerk of the Council for the manner in which the rules of debate were generally observed.

The early Councils of the Cape, as it happens, were particularly fortunate in their officials. Olaf Bergh, the Secretary of the Council of Policy, a man of great tact and ability, was one of the most capable officials ever employed by the Dutch East India Company ; and Dudley Perceval, the brilliant young Clerk of the Advisory Council, was succeeded by an even more distinguished official in Ker Baillie Hamilton, who, after serving first the Advisory Council and then the Legislative Council for twenty years, was appointed Governor of Newfoundland.

In Hamilton the Legislative Council had a Clerk who laid the foundations in South Africa of those traditions that have guided and will continue to guide all parliamentary officials. Although not directly responsible for the orderliness of the legislature, he influenced the character of its proceedings both by the advice he gave and by his own character. Unmoved by political issues he served the Council as a whole without fear or favour, and in a difference of opinion with one of the official members he showed that he had not only a knowledge of procedure, but a very definite conception of his responsibilities. The incident began by Col. Wade (the member in question) lodging a complaint that the Clerk had neglected to refer in the minutes of the Council to certain documents mentioned in debate. The Clerk in a dignified

reply easily disposed of the grounds of complaint by drawing attention to the fact that official minutes are a record of the acts performed by the legislature and not a record of speeches made by members ; but the real point of interest is that the Clerk conceived it to be his duty to address a letter to the Governor in which he took Col. Wade to task for having by implication reflected on the impartiality of a parliamentary official whose proper function it was to apply the principles of procedure that members were presumed to know.

The rules of procedure adopted by the Council were originally transmitted from Downing Street and contain most of the fundamental principles which govern procedure to-day. They distinguish between public and private bills, they provide for the various stages of bills, for committees of the whole Council, and for Select Committees ; and include a salutary provision that all bills (except those introduced by the Governor) should be lodged with the Clerk of the Council a week before the commencement of the session, and that they should be published in the *Gazette* three weeks before being read a second time. Some of the rules were copied word for word by the Parliament which was afterwards created, and the dignified prayer with which its proceedings were opened was taken over first by the old Cape House and afterwards by the Union House of Assembly ; but there

were, of course, many points of difference between Parliament and Council.

Parliament, through its Ministers, has unrestricted power of raising and spending money. In the Council, however, the Governor was expressly enjoined not to propose or assent to any ordinance whatever which imposed new taxes, diminished revenue or altered the salaries of public servants, or which provided for bills of credit, paper currency or state lotteries. Consequently, although estimates of expenditure were submitted, financial discussions were so circumscribed that the Council was sometimes placed in the awkward position of being unable to repeal taxes which by common consent were no longer required.

There were no regular sessions such as members understand them to-day, and although attempts were made to hold them at stated intervals, meetings were scattered promiscuously over nearly every month in the year, and business not concluded in one session went gaily on in the next. One o'clock was the usual hour of meeting, and very often the adjournment took place a few minutes later. Late sittings were unheard of, but on matters of urgent public importance the Council would sometimes meet at ten or eleven o'clock in the morning and continue until about three in the afternoon.

Another distinguishing feature of the Council was its relationship with the judiciary. The

Chief Justice no longer sat in the Council, but every bill before being read a third time was submitted to the judges for their opinion as to whether there was any legal impediment to its execution by the colonial tribunals, and, if so, by what means the impediment could be surmounted. The judges had chambers in the same building as the Council, and in this way they—and Judge Menzies in particular—came into close contact and sometimes into conflict with the Council.

Now Judge Menzies, though a brilliant lawyer, was about as indifferent to other people's feelings as a public hangman. He gave endless offence, and was once called upon by Advocate Cloete, a member of the Council, to fight a duel. That duel he declined, but in 1842 one sees his hand in an encounter between the judges and the Council that had a more far-reaching effect than any personal affair.

The Council had often appointed committees to inquire into matters brought before it, but probably none roused such keen interest as the committee of 1842 which was appointed to enquire into the Robben Island convict establishment.

The chairman of the committee, desiring the assistance of the judges, wrote and politely asked them in what way it would be convenient for them to give their evidence to the committee. The judges (Wylde, Menzies, and Kekewich)

replied that they would take an early opportunity of submitting their observations, not to the chairman, Mr. Ebden, but to the Governor. To add insult to injury, their letter was addressed to Mr. Ebden, not as "chairman," but as "unofficial member of the Council."

No quarrel could have been more deliberately picked.

The committee accepted the challenge, the unofficial members hurried to their rescue, and the chairman returned the offending letter to the three judges, informing them that it was "uncourteous and disrespectful."

A few days later the judges furnished their promised observations to the Governor. The Council, they held, had no constitutional authority to compel anyone to give evidence, and if the Council had not the right it was quite clear that no committee of the Council had it. But they went further. They said the appointment of the committee was *ultra vires*, since the rules only provided for the appointment of committees on bills, and no bill dealing with Robben Island had been introduced. In fact, said they, the whole committee was irregular and the chairman, so far as they were concerned, did not exist. Not satisfied with these observations, they expressed a desire that in future any communications the Council might have to make to the judges would be addressed through the Governor.

When the document was read to the Council

there was an ominous pause in the proceedings. Someone asked the Governor if he had any remarks to offer? No, he had none. There was another pause, and Advocate Cloete, controlling himself with some difficulty, moved the adjournment of the Council.

At the next meeting Mr. Cloete moved a series of twenty-four resolutions on the "extra-judicial opinion" of the three judges and on what he held to be the undue and unconstitutional exercise of their functions and the improper interference with the legislature of the country. "If the Governor and Council," reads one of the resolutions, "be not possessed of the power of appointing any committee or sub-committee of the Council to inquire into and report upon any matters . . . brought before the Council, it would be far more desirable to abolish the Legislative Council *in toto* than to insult the public by the mockery and semblance of such an impotent interference of the public in the legislation and government of the colony."

The resolutions were negatived by one vote, and the Council was never granted the right to compel the attendance of witnesses, although afterwards even the judges consented to give evidence when their interests were concerned. The unofficial members had been beaten, but by exposing the weakness of the Council the judges had done more harm than good, and that they had gone to unnecessary extremes almost

every moderate-minded man agreed. They had, in fact, played into the hands of the extreme reformers, and the Press took up the cry for the abolition of the Council with renewed vigour.

It was not a mere coincidence that the reform period in England synchronised with similar movements in the colonies. Everywhere the public was marching ahead of institutions in which they were not properly represented, and, stimulated by such men as Gibbon Wakefield in England, Downing Street was paying more attention to the development of colonial institutions. Everywhere the " nominee " system was falling into disrepute, but nowhere more so than at the Cape. Slaves had been emancipated in the same year as the Council had been established, and partly owing to inadequate compensation and the absurd method of settling claims there had been an angry exhibition of racial feeling. Following the example of the dissatisfied burghers of the Dutch East India Company days many of the older inhabitants had trekked from the colony, and by founding Natal, the Orange Free State, and the Transvaal Republic had greatly added to the difficulties of the Legislative Council.

The 1820 settlers, moreover, encouraged by recommendations of the Commissioners of Enquiry, were constantly urging the separation of the Eastern Province from the Western

Province with an importunity begotten of a feeling that they were being wilfully neglected by the Council at the Cape.

The subjects dealt with by the Council were becoming too complex for it, and only a year before the judges had gone out of their way to quarrel with the Council another public meeting (1841) had been held in Cape Town to petition for a representative assembly.

Sir George Napier strongly supported the petition on the ground that a Parliament elected by the people would help to cure them of a marked disposition to rely on their rulers for assistance " even in those minor points which affect their own peculiar and private interests." The request was coldly received in Downing Street, but every year public feeling at the Cape grew more strongly in favour of representative government, and more antagonistic to the Legislative Council. Consequently, when in 1848 an enlightened Secretary of State asked the Cape Government to furnish its views on the prospects of a representative legislature, William Porter recommended that parliamentary institutions should be granted with both hands. Most of his ideas were warmly endorsed by the Cape Government, the judges, and the Governor, Sir Harry Smith, who from the day of his arrival had done everything in his power to reconcile the warring factions in the Council and raise its prestige.

Porter then drafted an outline of a constitution under which the Cape was to be granted a representative House of Assembly, but a nominated Legislative Council. Everyone, from the Secretary of State downwards, was anxious for the change, and all the signs were propitious when the Secretary of State, by an almost incredible blunder, forfeited the confidence of the colonists as a whole and brought the Council to an inglorious end.

In reply to a question asking the Cape Government whether it desired the introduction of convicts, he was told point-blank that it was the last thing the colony desired, but without waiting for an answer he dispatched a shipload of ticket-of-leave men. A cable service, had there been one, might have saved the situation. As it was, he precipitated an unarmed rebellion. The warning sound of the gong that was beaten in Greenmarket Square when the ship arrived stirred the same feeling of passionate resentment that had been aroused by the Order in Council which, in regulating slavery, had sealed the fate of the old Advisory Council. The inhabitants were first dismayed and then furious at the thought that the Cape was to become a penal settlement and fiercely vented their pent-up feelings on the unfortunate Governor and members of the Legislative Council, who were, of course, unable to do more than formally protest against the action of the Secretary of State.

Crowds gathered at street corners to hoot and hiss the Government officials, and when excitement was at its highest Mr. van der Bijl, one of the nominated members of the Council, suddenly died (5th July 1849).

Now from time to time the suggestion had been made that the best way to hasten the grant of representative government would be a refusal by the public to accept seats in the Council, with a view to bringing the total number of members below the minimum of ten required by its constitution. As one of the unofficial members (Mr. Harries) had resigned in the previous year, Mr. van der Bijl's death seemed a Heaven-sent opportunity to put this plan into operation. The news was blazoned forth that the Council was tottering, and when on the very next day Mr. Hamilton Ross, another nominated member, resigned his seat owing to ill-health, it was triumphantly announced that the Council, having now only nine members, could be regarded as defunct if no one else would accept a seat.

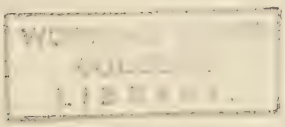
In order to make the position secure a meeting of the Anti-Convict Association was hurriedly called, and Mr. van der Bijl had hardly been buried when it was resolved: "That in the opinion of this meeting any person accepting or retaining a seat in Council, as an unofficial member, is indirectly assisting in the introduction of convicts, and consequently will come within the scope of the pledge already signed."

The effect of the "pledge" was financial, social, and commercial ostracism. No threat of a secret society could have been more sinister, and those who subscribed to it showed on the following day, the 10th July 1849, that they were in deadly earnest.

"Will any colonist venture to accept the vacant seat?" asked Fairbairn, the moving spirit of the Anti-Convict Association. "To offer it at this moment to any gentleman would be an insult. To accept it would be eternal degradation." Public speakers took up the cry and lampoons such as the following suggested that social distinction and the title of "honourable" were the sole reasons which would induce anyone to accept it:

'Tis I would be this Senator bold!
When 'tis told to the world that the sages meet,
In the Governor's car I'll take my seat,
With the flunkeys surrounded in green and gold.
I'd care not a fig for the popular groan,
But would strut to the Council—self-honoured—alone:
What care I—a sage—enraptured with blisses,
For the mob's vile scorn and contemptuous hisses?
While clause by clause each bill is read
I'd look wise, as if blest with Solomon's head;
And I'd sagely gaze at the ceiling on high,
Lazily, lazily;
Or watch the blank wall, as vacant as I,
Till the question is put; then I'd vote as I'm told,
Crazily, crazily.

On the 10th July 1849, the day on which the



Council was to hold its next meeting, there was only one topic of conversation. Shopkeepers left their counters and clerks left their desks. Hundreds of inhabitants thronged round the Council buildings and swarmed into the gallery as soon as the doors were opened. To their delight they learned that yet another vacancy had been caused by the resignation of J. B. Ebden, but to their amazement they found that three new members had been sworn in and were actually sitting at the Council table. These were P. L. Cloete, a well-to-do farmer of Stellenbosch ; Abraham de Smidt, the owner of Groote Schuur ; and Jacob Letterstedt, Consul for Sweden and owner of the famous Newlands brewery.

His Excellency in a short opening speech announced the new appointments, and when four bills had been read a first time without discussion, the Council was adjourned. An early date was fixed by the Council for its next sitting, but for once the actual date was determined, not by the Governor or the Council, but by the inhabitants themselves, and more than a year was to elapse before the next meeting could be held.

Even before the Council had risen an angry murmur in the crowded gallery developed into a concerted hiss which augured ill for the new members who had made the meeting possible. Outside matters looked even worse. " Let us stay," someone bawled in the courtyard, " and

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MOBBING THE LEGISLATIVE COUNCIL, 1849.

In order to hasten the grant of a representative legislature, the Anti-convict Association attempted to exterminate the Legislative Council and, on the 10th July, 1849, tried by brute force to persuade the nominated members to resign their seats.

Specially drawn by A. Hayes from details supplied by the author.

testify our respect for the new members." The crowd took up the cry and formed a dense mass around the door. In a few minutes, says an eye-witness, His Excellency the Governor, Sir Harry Smith, the hero of Aliwal, appeared leaning on the arm of an aide-de-camp. There was a threat in the very silence with which he was greeted. Not a hat was raised. For a moment he paused half expectantly. Then without a trace of anxiety in his voice he said: " Gentlemen, I am glad to be amongst you again. Believe me my heart is with you." It was obvious that he had not yet recovered from a recent illness, and as he moved on a faint cheer was raised. But when Mr. Cloete and Mr. de Smidt were seen just behind him, the cheers once again turned into groans and hisses.

" Down with them—shame to them—traitors —let them have it," shouted the mob, and a rotten egg followed by street filth came hurtling through the air and stained the white walls of the public buildings.

Mr. Cloete, seeing the ugly mood of the crowd, darted into the chambers of his brother, the High Sheriff, where he found refuge before suffering much injury.

Mr. de Smidt, left standing alone, and hemmed in on all sides, was not so fortunate. He was a tall, wiry man, well built and no coward, but he was fifty-six years of age and against so many it would have been foolish to offer resistance.

Besides, he came of a proud stock, and a glance was enough to show that among his assailants were some of the riff-raff of the town, whose backs were hardly fit for the cane of a fine gentleman or the whip of his groom.

Before he had made up his mind what to do he was struck from behind, and before he could recover his balance he was kicked and struck again. Too late he raised his arm to protect his face. He went down under a shower of blows, while such an uproar rent the air that it might have been heard on the outskirts of the town.

With difficulty he struggled to his feet and tried to escape, but for nearly a quarter of an hour he was pushed from one hooligan to another until bleeding, bruised, and with clothes torn he found himself near the office of the Road Board. The door was open and, half-staggering, half-running, he stumbled in and locked it.

Mr. Letterstedt was scarcely less fortunate. For half an hour after the Council had adjourned he remained in the Council Chamber, but sentinels had been posted and when he emerged a crowd hung round his heels. As he crossed the road that had been soaked by the mid-winter rains they pelted him with mud, sticks and stones until he found sanctuary in the club-house.

That night the three new members were burnt in effigy on the parade, and while some danced round the flames with savage glee others amused themselves by destroying property belonging to

the members in Cape Town. The work of destruction was stopped by a charge of mounted police, but the mob had won the day.

Within a week the three members had resigned [1] and the lampoonist, with more wit than sportsmanship, concluded his ode :

Oh, why would I be this Senator bold ?
Alas ! and alas ! no butcher—no baker—
Will sell me his meat—will sell me his bread ;
And if I should die, each rogue undertaker
Will refuse 'neath the sod to lay my sage head.
What shall I do ? Resigning, resigning
Is the only road that leadeth to dining.
Take warning—take warning,
Learn all from my mourning
That none henceforth may be
A Councillor bold !
The magnanimous hero
Himself is at zero—
He now could not bribe me with Mexico's gold.

Compared with this onslaught the spasmodic efforts of the early Dutch colonists to obtain representative government paled into insignificance.

Mob law was rife, but while the Anti-Convict

[1] At that time there were five nominated members. The fourth, Mr. Hendrik Cloete, also resigned, but the fifth, Mr. William Cock, who represented the Eastern Province, not only retained his seat, but is reputed to have sailed round Table Bay with a leg of mutton dangling from the yard-arm when the Anti-Convict Association cut off food supplies from those who supported the Governor.

Association were actively occupied in destroying the Council, Downing Street was leisurely engaged in considering the means of giving effect to the proposals for representative government which had been made by Porter and the Cape Government. The Board of Trade and Plantations, to which the matter was referred, issued its report on the 30th January 1850. It laid down the main features of the proposed constitution granting a Parliament to the Cape and recommended that the Legislative Council itself should determine the details. The Council was given authority to do this under Letters Patent, but there was no Council and no prospect of getting new members to accept nomination.

Sir Harry Smith was in a quandary and had perforce to extricate himself by means of an adroit move that won the admiration of his most bigoted opponents.

Since the inhabitants demanded the right to elect their own representatives, he suggested that they should elect suitable candidates from whom he could nominate the number of unofficial members required to complete the Council. The inhabitants agreed, and so what was tantamount to the first parliamentary election in South Africa took place in a ferment of excitement.

Twenty-three candidates stood for the five vacancies, and when the returns were finally examined (July 1850) it was found that Christoffel Brand, Sir Andries Stockenström, F. W.

Reitz, and John Fairbairn easily headed the poll. These, the " popular members " as they styled themselves, were at once nominated by the Governor, and from half-way down the list Robert Godlonton, the Editor of the *Grahamstown Journal* and one of Fairbairn's most strenuous opponents, was nominated to champion the Eastern Province.

The Council was summoned to meet again on the 6th September 1850, and lasted for just a fortnight. Everyone's nerves were on edge, and when it was found that the Governor intended to proceed with the ordinary business of the country in addition to the draft Constitution Ordinance there was an unparallelled scene. Stockenström, who was unwell and perhaps the most irritable of all the members, took the leading part, and to bring matters to a climax moved that no business whatever be entertained until the arrangements for creating representative institutions had been completed.

The gallery was packed and when Stockenström engaged in a passage-at-arms with one of the official members it broke into a shout of applause.

" Silence, silence," thundered the Governor. " I will not have that applause nor censure either. My feelings are as acute as yours, gentlemen."

At last Stockenström's motion was put. In absolute silence it was lost, and a motion by Porter to the opposite effect was agreed to.

During the pause that followed, Stockenström crossed the room and held a whispered conversation with Fairbairn, who was seen to spread out his hands and shrug his shoulders. Stockenström then went back to his seat and, producing an elaborate document, proceeded to read what afterwards became famous as " the eleven reasons for dissent."

" These, Your Excellency," he concluded, " are the grounds upon which I differ from the resolution just adopted, and I respectfully tender them to Your Excellency together with my resignation." " I am no longer a member of the Council," he added as, taking up a pen, he signed the document and strode towards the door.

One by one the three other " popular members " followed suit and, heralded by another burst of applause from the gallery, dramatically left the chamber.

Once more the Council had collapsed and once more the Governor was on the horns of a dilemma. This time he extricated himself by appointing the remaining members of the Council a " commission " to complete the consideration of the draft Constitution Ordinance, which he returned to England with amendments.

The " popular members " immediately countered by framing their own constitution in the scroll of " sixteen articles " which has recently been acquired for preservation by the Union

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THE RESIGNATION OF THE "POPULAR MEMBERS," 1850.

To fill the vacancies created by the action of the Anti-convict Association, the Governor consented to nominate members from a panel selected by popular election. Brand, Stockenstrom, Reitz and Fairbairn were returned at the top of the poll but, led by Stockenstrom, resigned after sitting for only a fortnight.

Specially drawn by A. Hayes, from details supplied by the author.

Parliament. This was entrusted to Fairbairn and Stockenström, who were sent off to England to press its claims upon Downing Street.

The result was tragic. Not only were they unsuccessful in their mission, but while they were in England there was a revulsion of feeling at the Cape against their high-handed methods. They returned to find themselves crippled financially, broken in health and unpitied.

Had it not been for this revulsion of feeling the Governor would have been in sorrier straits than ever, for Downing Street, utterly failing to appreciate the difficulties the Governor had to contend with, complacently returned the constitution with peremptory directions that it should be submitted to the Council as originally contemplated by the Letters Patent. As it happened, Sir Harry had now little difficulty in persuading four members to accept nomination, and the Council, once more complete, was able to meet (10th October 1851) and to set about its appointed task.

But the Governor was not yet out of the wood. Drawn to the frontier by a raging Kaffir war he left Montagu, the Secretary to the Government, to preside over the Council. Now Montagu had already fallen foul of Porter, and when left alone they lost no time in getting to grips.

One of the bones of contention in framing the constitution had been the amount of the franchise to be fixed for members of the proposed House

of Assembly, since in the absence of colour distinctions there was no other means of regulating the right of the native to vote. Porter had always been in favour of a low franchise so as to include the native, but when the new members, alarmed by a Hottentot rebellion, proposed to raise it, Montagu backed them up and carried the day.

With this alteration the ordinance was passed in spite of vehement protests and sent back to England for ratification. But those who increased the franchise had overlooked the fact that Downing Street had only approached the question of representative government on the understanding that the native interests should be adequately protected, and when the *Lady Jocelyn* steamed into Table Bay (21st April 1853) carrying the Constitution Ordinance in its final form it was found that the low franchise had been restored.

The culminating struggle for representative government had lasted five years, and when the Council met formally on the 14th October 1853 it was with a sigh of relief and with appropriate flourishes of the pen that the Clerk recorded that the Council had held its last sitting.

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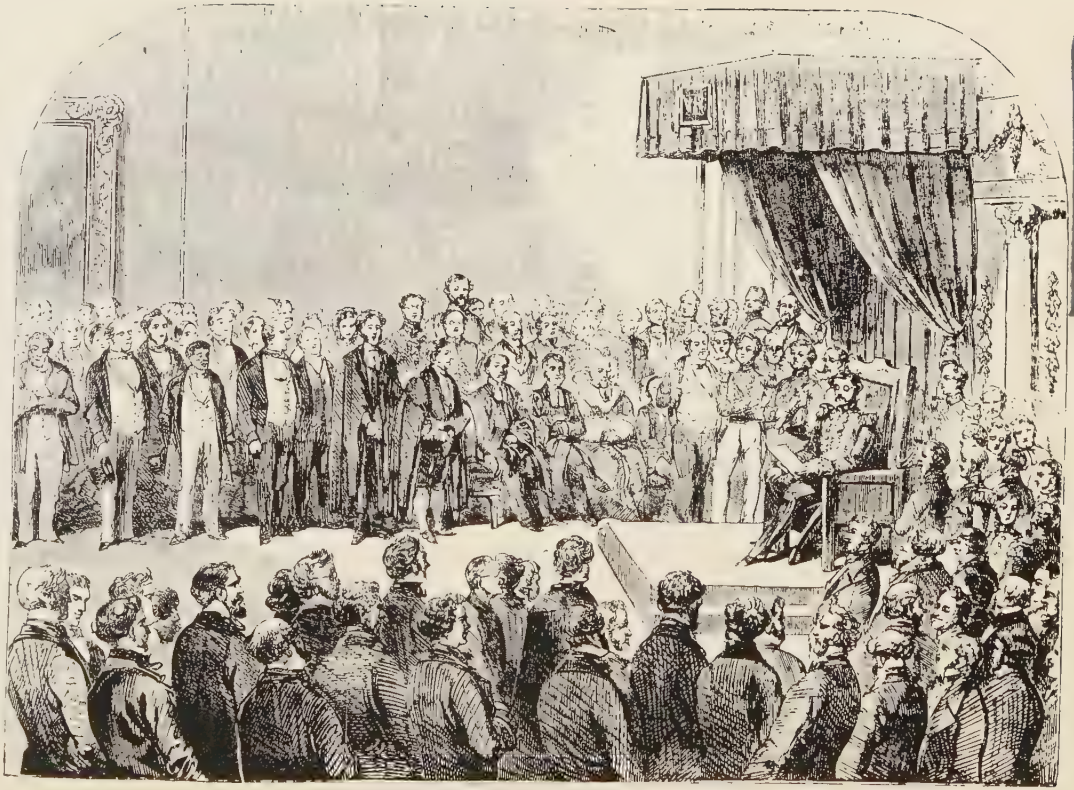
PART FOUR

THE CAPE PARLIAMENT

(1854–1910)



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OPENING OF PARLIAMENT, 1854

The first opening ceremony took place at Government House, Cape Town, on the 1st July, 1854. Lt.-Gov. Darling is seated under the canopy of scarlet bearing the initials V.R. On his right are the

PART FOUR

THE CAPE PARLIAMENT

(1854–1910)

Le roi est mort, vive le roi. As it is with kings, so it is with constitutions. The old Council was dead, long live the Cape Parliament.

The old Council had consisted of not more than twelve nominated members and officials presided over by the Governor. The new constitution provided for a Parliament consisting of the Governor, an elective Legislative Council of fifteen [1] members presided over by the Chief Justice, and an elective House of Assembly of forty-six [1] members, the four principal Government officials having the right to sit and speak (but not to vote) in both Houses.

Of the nominated members who had fought toe to toe in the Council Chamber over the provisions of the new constitution, Stockenström, Reitz, Godlonton, and Ebden decided to throw in their lot with the new Legislative Council, while Fairbairn, Brand, and Cock stood for the House of Assembly, and all of them were elected. Of the officials who had engaged in the conflict, Montagu (the Secretary to the Government) had broken down and died whilst on sick leave in London, but as Porter, Rivers, and Hope exercised their right to sit in the new Parliament the old stalwarts were fairly evenly distributed in the two Houses.

[1] The number of members of the Legislative Council was ultimately raised to twenty-six, and the House of Assembly to 107. See Annexures D and E.

I.—The Legislative Council

APART from its members the new Legislative Council had a special claim to being considered the direct descendant of the Councils that had preceded it. It was still the "Legislative Council"; its President, Sir John Wylde, had been a member of the Council of Advice, just as Sir John Truter, a member of the Council of Advice, had belonged to the old Council of Policy; and so little was its ancestry questioned that it quite naturally took up its abode in the room used by the preceding Legislative Council in the old Supreme Court buildings, where it remained until the existing Houses of Parliament were completed in 1885.

The room had been specially prepared for the occasion. In the centre there was a crescent-shaped table covered with green baize, around which were fifteen massive chairs with green morocco seats plentifully bestudded with bright brass nails. At the head of the table stood the President's chair and dais of dark wood, while from the smooth corniced ceiling ground glass lamps, intended more for ornament than use, hung in all the splendour of gilded rods. A large map adorned the green walls and three large sash-windows looking on to the courtyard below let in a flood of light and fresh air. In short, to use the language of the journalist who

has left this minute description, it was a "pleasant, lofty, and highly respectable chamber."

But although occupying the same room and having the same name as its predecessor, the Council was certainly not the same in character. As one of the constituent parts of Parliament it was now the "Upper House," and not only possessed all the recognised functions of an "Upper House" as a house of review, but presented several features which distinguished it from other "Upper Houses" and placed it in a position to challenge the supremacy of the House of Assembly.

It was the first colonial Upper House in which all the members were elected [1]; it was the one and only colonial Upper House ever given the right to increase as well as to decrease expenditure or taxation; and it was the only colonial Upper House to share with the Lower House the novel advantage of permitting members of the Executive Committee to sit and speak without being elected.

Under the circumstances it is therefore not surprising to find the Upper House constantly asserting its authority.

In the first session it threw down the gauntlet on its right to amend money bills by making

[1] The suggestion that the Upper House should be elective was first made by Sir John Wylde, Chief Justice, in a memorandum dated the 10th June 1848.

provision in the Appropriation Bill for certain expenditure which the Governor had not asked for and did not want. The House of Assembly, afraid of admitting the principle, rejected the amendment, and when the Council, bent on establishing its position, finally returned the Bill with a message to say that the Bill had "dropped," the Speaker retaliated by throwing it on the floor of the House. When Parliament was prorogued a few days later the Governor admitted that the Council was quite within its rights in increasing or decreasing the amount of money bills, but pointed out that it was not competent for either House to propose expenditure without the sanction of the Governor himself. Years later (1881) Sir J. H. de Villiers, when President of the Council, held that although in accordance with the strict letter it was not in accordance with the spirit of the constitution for the Upper House to increase the amount of a money bill. But the Council was never dissuaded from exercising its potent right of reducing sums of money voted by the Lower House for public services, and on several occasions (1855, 1899, 1907) it asserted its authority by cutting down Partial Appropriation Bills by at least half of the amount required. On other occasions, more numerous than generally supposed (1879, 1883, 1885, and 1888), it created alarm by reducing items in the annual estimates of expenditure, while on another and still more celebrated

occasion (1907) it withheld supplies entirely and brought about the fall of the Jameson Government.

As a house of review it was, in the beginning, even more prone to assert its rights and so assiduously performed its constitutional duties as a " check and a counterpoise " to the House of Assembly that during the first ten years of its existence it amended or rejected nearly half the bills sent to it from that body.

At the end of the ten years it was perfectly plain to everyone that the system of " representative government " (under which the principal officers of the Crown were still appointed in Downing Street and sat in Parliament without election) was a failure. By that time, the state coffers having been drained by drought and disease the Cape had got into sore straits. The relations between the two Houses were so strained that a large section of the public openly advocated the abolition of the Legislative Council, and the members of both Houses were so sharply divided by a pernicious feud between the Eastern and Western Provinces that a little earlier all the members of the Eastern Party in the Legislative Council had resigned in despair. The feeling between members of Parliament and officers of the Crown was worse still. There was a marked tendency to interfere in executive matters by means of select committees, few constructive proposals were made by Parliament, and proposals

made on behalf of the Government were scornfully rejected.

It was during this state of affairs that Sir Philip Wodehouse was appointed Governor. He knew that demands for " responsible government " (under which the principal officers of the Crown would be replaced by Ministers who would be elected as members of Parliament and responsible to Parliament for their own and the Governor's conduct) had been advanced from the day the constitution had been mooted ; but Parliament had not been able to come to any decision on the subject, and one thing was perfectly clear to him—Parliament could not go on as he found it : either it had to go back to Crown colony government as it had been before the constitution had been granted or it had to go forward to " responsible government " as it existed in Canada.

Sir Philip, after careful consideration, came to the conclusion that in the interests of the Cape it would be better to revert to the old position. In taking so retrogade a step he invited disapproval, and because he failed in his purpose his name is still derided. But however one may disagree with his policy, credit must be given him for the courage of his convictions and for the ability with which he expressed them.

" I have the strongest conviction," he wrote in a dispatch to the Earl of Granville, " that responsible government is unsuited to and will work great mischief to this colony ; and I do

not believe that its advocates on the spot are prepared to press for its immediate introduction. I have never regarded responsible government as applied to a colony, more properly speaking a dependency, as anything less than an absolute contradiction of terms. How can a Ministry responsible to its own constituencies render obedience to the permanent power? The issue between them may be shirked or postponed; but it must come. Responsible government I have always held to be applicable only to communities fast advancing to fitness for absolute independence, and I think that the course of events in British North America, Australia, New Zealand, and Jamaica has in different forms gone very far to establish that view. I look upon this country as entirely unsuited for independence; and must confess that I cannot satisfy myself of the justice or humanity of handing over this large native population to the uncontrolled management of a legislature composed of those whose habits, interests, and prejudices are so entirely different."

Rightly or wrongly, he told the Cape Parliament, he had always taken this view, and in order to clear the path for his successor he candidly announced that it was his intention to explore every means of attaining his object before his term of office expired. His main proposal, stated briefly, was to abolish both Houses of Parliament and to replace them by a single representative

chamber without responsible government. Year after year he tried variations of this theme and each year Parliament refused to move either backward or forward.

To placate the Eastern Province members he tried summoning Parliament in Grahamstown (1864), and gave offence to the Western Province members ; he tried with great ability to balance revenue and expenditure in the legislature as it existed and the House of Assembly replied by rejecting his proposals and recommending a reduction of his salary.

His wife, to whom he could always turn in his growing unpopularity, died while the constitutional struggle was at its height ; but still, unpopular and alone, he continued to battle for what he believed to be right with a spirit that refused to admit defeat. He tried dissolving the House of Assembly (1869) and this at last brought him face to face with failure.

During all his endeavours the Imperial Government had stood on one side, relying entirely on his discretion ; but from its dispatches and particularly from an article afterwards contributed to the *Nineteenth Century* by Lord Blachford (who as Sir Frederic Rogers was Under Secretary of State during the crisis) it is quite clear that Downing Street had come to the conclusion that the time had arrived for the colony to take full responsibility for its affairs. While abstaining from direct interference with the colony it

therefore brought pressure to bear by announcing that it at least expected the colonial Parliament to take over the financial responsibility for defence and so adjust its policy to its resources.

With this announcement before them the electorate gave its verdict in favour of responsible government. The task which Wodehouse had set himself had come to an end. It coincided with the end of his term of office, but in leaving South Africa he was able to console himself with the reflection that the finances of the country, which he had failed to improve through no fault of his own, were rapidly recovering owing to the discovery of diamonds, and that owing to his own failure to revert to a form of Crown colony government his successor, Sir Henry Barkly, would find the way prepared for the introduction of responsible government.

Sir Henry Barkly's path, however, was not as smooth as might be expected. Strongly in favour of responsible government himself, firmly believing that there was no ground for mistrusting the use that the Cape colonists would make of political power, and convinced of the thorough fitness of the colonists to be entrusted with the uncontrolled management of their own affairs, he found that every one of his principal officers with seats in Parliament were just as strongly opposed to responsible government as he was in favour of it. When in 1871 a motion in favour of that form of government was proposed by a

private member of the House of Assembly (Molteno) and carried, the Governor had to fall back on another private member (Porter)[1] to draft the necessary Bill to give effect to it. And when that Bill, after being carried in the House of Assembly, was sent to the Upper House it was defeated there by three votes.

The scene was thus shifted to the Legislative Council, and when it was learnt during the next session (1872) that Dr. Hiddingh and Mr. de Roubaix, two of the councillors who had voted against the Bill, had invited their constituents to express an opinion as to the course they should pursue, the eyes of the whole country were fixed on them. Once more the Bill was passed by the House of Assembly and once more it came before the Council. By this time excitement had reached a point which has only been equalled in the parliamentary history of the Cape by the constitutional issue of 1849. Requisitions poured in on the two members to vote for responsible government and the anti-responsibles countered by almost every conceivable manœuvre. Meetings and counter meetings were held, petitions and counter petitions were presented, deputations and counter deputations were heard, the leading columns, the correspondence columns and even the advertisement columns of every newspaper

[1] Porter, formerly Attorney-General, had retired in 1866, and had been elected a member of the House of Assembly in 1869.

gave prominence to their names in nearly every issue. When the Bill came up for second reading on the 11th June, the usually deserted gallery of the Council was so densely crowded and the excitement so great that those who could not get seats were content to remain talking and gesticulating on the stairs leading to the chamber or in the courtyard outside that had been the scene of the riots of '49.

Considering the wild talk out of doors it is a significant fact auguring well for the prestige of the Council that the debate was conducted with the decorum that had characterised all its previous discussions; and when Dr. Hiddingh and Mr. de Roubaix spoke and cast their votes for the Bill, converting the majority against the Bill into a minority of one, there was no sign of disorder.

In the opposition Press, however, indignation against the two members knew no bounds. They were abused in terms that no public journal would dream of using to-day, and on the following night they were burnt in effigy on the parade to the roar of " Rats " and unprintable epithets.

The committee stage of the Bill still remains one of the most memorable in the history of the Council. As there was no permanent chairman of committees it followed that if a member in favour of the Bill was elected chairman the majority of one would disappear. The supporters of the Bill, therefore, voted Mr. de Smidt, an

opponent of the Bill, into the chair. Mr. de Smidt flatly declined the honour and was adjudged by the majority to be guilty of contempt for wilfully disobeying an order of the Council. Mr. de Smidt was accordingly directed to withdraw from the Council until he apologised. That meant that the minority was reduced by another vote and under the circumstances the majority had no hesitation in putting one of their own number in the chair. But no sooner had this happened than Mr. de Smidt reappeared, bowed, apologised, and took his seat before anyone had the presence of mind to inquire by what right he was interrupting the proceedings of the committee.

Thereafter there were no fewer than seventeen divisions on the provisions of the Bill, and the numbers now being equal the chairman gave his casting vote for its supporters. On the same day the rules of the Council were suspended and the Bill was read a third time and returned to the Lower House without a single amendment.

The fight was practically over, but the Bill had to be reserved for the Queen's assent and its opponents decided to fight it to the last ditch. The minority, headed by Godlonton, recorded their protest in the minutes in accordance with the practice of the Council and joined with the opponents in the Assembly in a petition to the Queen to withhold her assent. This move was effectively answered by a petition to the opposite

effect by members of the two Houses who were in favour of responsible government, but the opponents had yet another card to play. It was well known that Mr. de Roubaix was in low water, and as there was a possibility that he had not the necessary property qualifications as a member of the Council a petition was presented to the Council for an enquiry into the state of his affairs.

It must be admitted that Mr. de Roubaix was one of the black sheep of Parliament, but enquiries by Parliament into questions of privilege and matters touching the conduct of members have never redounded to its credit unless actuated by the highest motives. In this instance the enquiry was actuated by party motives that breathed vindictiveness and the committee appointed was probably the most farcical of its kind. Having no power in those days to compel the attendance of witnesses it dabbled in Mr. de Roubaix's private transactions, meddled with such of his belongings as it could lay its hands on, and appeared to find it necessary to value not only his house, his carriage, his horses and harness, but his spoons and forks. They were not worth very much, but Mr. de Roubaix happened to have been Consul-General for Turkey and suddenly among the bewildering mass of domestic detail one comes across an item reminiscent of the jewels in *The Arabian Nights' Entertainments*. It was an

exquisite snuff-box of gold and enamel obtained from the Sultan of Turkey, so it was said, as a mark of distinction. The lid was embossed with a device of leaves and claws richly studded with diamonds and precious stones. The inside was inlaid with scenes in miniature of Constantinople and the Bosphorus that were perfect specimens of the goldsmith's art. One jeweller who gave evidence valued it at £3,000, but whatever its exact value was it appears to have saved the situation and the committee had no hesitation in finding that "Petrus Emmanuel de Roubaix, Esq., has proved himself to be in possession of the proper qualification required by sections 33 and 65 of the Constitution Ordinance."

So ended the most momentous fight the Legislative Council ever put up, and when the work of the session was completed the Governor prorogued Parliament in a speech that was the last delivered in words for which he alone was responsible. During the recess the Queen assented to the Bill and instructions were automatically issued to the Governor empowering him to appoint Ministers who would be responsible for all internal affairs on the tacit understanding that when they lost the confidence of the legislature they would tender their resignations.

With the appointment of the first Ministry (1st December 1872) a new era was inaugurated in the history of the Parliament of the Cape

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LEGISLATIVE COUNCIL CHAMBER

(1885-1910)

This photograph, which shows the late Lord de Villiers in the chair, was taken soon after Parliament moved into the present buildings. The Chamber is now used by the Senate of the Union Parliament.

Colony which amply justified the confidence that Sir Henry Barkly and Downing Street had reposed in the ability of the colonists to steer the ship of state that van Riebeeck had launched so many years ago.

In the Legislative Council the new system of government worked like a charm, and soon after it had been given a trial the Governor was in the happy position of being able to announce that never before had such harmonious relations prevailed between the two Houses and the executive. The business of legislation was carried out in a business-like way, and while the Upper House was not unmindful of its proper functions, fewer bills sent to it by the Lower House were rejected, fewer bills were originated by it, and in consequence there were fewer sitting days in comparison with the sitting days of the Lower House. It continued, however, to act as a check on hasty legislation. During its existence it amended no fewer than 368 bills sent to it by the Assembly and dropped or rejected no fewer than 107, while to appreciate the manner in which it safeguarded the constitution one has only to refer to its proceedings on what was known as the " Seven Circles Bill."

The Bill (1873) proposed that the whole colony should be divided into seven electoral provinces for the election of members of the Council, that members should hold their seats for seven years (instead of ten years with half

retiring every five years), and that the Governor might dissolve the Legislative Council without the House of Assembly. Although dealing entirely with the constitution of the Council the Bill was introduced in the House of Assembly. The Council, supported by the President, indignantly affirming that in accordance with established parliamentary practice it should have been introduced in the Council, threw it out, and by their action forced a general election. It was only in the next session (1874), when the Bill was introduced in their own House, after being considered by the country at the polls, that the Council allowed it to pass, and then only after the clause dealing with the separate dissolution of the Council had been deleted.

On the other hand, it must be admitted that as time went on and the old stalwarts retired from public life, the Council showed a marked inclination to sail in smooth, and sometimes stagnant, waters in preference to the rough and tumble of angry seas. Thus in 1888, having rejected an important Customs Bill, they immediately repented their action. The sound rule that a bill passed or rejected in one session precludes the introduction of a similar bill in the same session prevented them from changing their minds officially, but everyone was delighted when on their way home they learnt that a special session was being summoned immediately and as many as could be found

trooped back to pass the measure in record time.

The growing reluctance of the Council after responsible government to measure its strength with the Lower House probably accounts for the dictum of an eminent authority on parliamentary government that it did not do much good, but one result was that the Lower House came to assume the ascendancy that it was always intended to have and in the end it was almost forgotten by members of the Council that they had ever seriously challenged the position of the House of Assembly.

II.—The House of Assembly

The members of the " Old Cape House " (to give the Lower House the name by which it is affectionately remembered) found themselves when they first met in a single-storied building at the top of what is now known as Parliament Street. Approached through a pleasant garden and shielded from the summer sun by spreading oaks the building had its outward attractions, but hired from a masonic lodge which had used it as a banqueting hall it cannot be said to have contributed in any way to the world-wide renown the legislature achieved. On the contrary, the room in which the House actually sat for more than half the period of its existence was no better

than, and not so well equipped as, a second-rate board-room. Yet members like Saul Solomon, Sir John Molteno, Paterson, Fairbridge, and Ziervogel knew no other debating chamber, and by 1885, when the two Houses moved into the existing parliamentary buildings, the old Cape House had established the reputation that it maintained unsullied to the end of its days.

Christoffel Brand (the Speaker) and Fairbairn (the leader of the House) had the advantage of legislative experience and spent much time in studying procedure, while Porter was a master of constitutional practice and precedent.

But it requires something more than the proficiency of individual members to make a great Parliament. Collectively, Parliament has a character of its own and is respected to the extent it respects itself. It not only reflects the spirit of a people, but in turn it sets a standard of public life that unconsciously is imitated by every other institution. As the highest court in the land it is careful of its procedure and as a representative body it is as jealous of its own privileges as of the rights of the subject.

It was by spontaneously striking the happy balance between its own privileges and the rights of the taxpaying public that the old Cape House proved an instant success.

The ancient constitutional doctrine that grievances must be redressed before supplies are granted was recognised in practice from the out-

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THE HOUSE OF ASSEMBLY, 1854-1884.

The Banqueting Hall of the Goede Hoop Lodge which was used by the House o
Assembly until the existing Houses of Parliament were built.

From a drawing by Gordon Pilkington.

set. Petitions from colonists were investigated with remarkable thoroughness, one Speaker actually holding that it was so obviously the duty of Parliament to redress grievances that he would decline to put a motion that a petition be referred to the Government for consideration unless for the express purpose of obtaining a report on it. Great issues were discussed on their merits, and so consistently was country placed before party that in the fullness of time, when responsible government was attained, no fewer than four Governments[1] out of twelve broke down owing to Ministers disagreeing with the policy of the Cabinet on matters of state importance.

The watchword of the House was " fair-play," and any interference with personal liberty or departure from healthy administration and sound constitutional practice was ruthlessly attacked on the floor of the House.

In its domestic affairs the House showed the same love of fair-play and one of its first acts was to adopt a rule of debate, copied from the Standing Orders of the old Legislative Council, under which it was laid down that " all imputations of improper motives shall be considered as

[1] The First Sprigg Ministry by the resignation of J. W. Leonard (1881); the First Rhodes Ministry (1893) and the Schreiner Ministry (1900) owing to Cabinet disagreements; and the Fourth Sprigg Ministry (1904) owing to the resignation of T. W. Smartt in 1902. Mr. J. H. Hofmeyr also resigned from the Scanlen Ministry in 1881, but the Ministry continued until 1884.

highly disorderly." Mr. Merriman always held that too strict an adherence to this kind of rule led the House to observe a decorum in debate that verged on dullness, and even Speaker Tennant, who was a stickler for decorum, was never tired of reminding members in prose and verse specially culled for the occasion that they ought not to take themselves too seriously. But there were always men who like Mr. Merriman himself could give as much as they got without imputing improper motives, or appearing to be discourteous, and even in its early days its strict sense of propriety was not unduly shocked by the frolics of its more frivolous members.

It was not very perturbed, for instance, when three members, finding themselves in a division in which they had no desire to participate, vaulted nimbly over the bar of the House and were hotly pursued down the street by the Serjeant-at-Arms ; nor could it suppress a laugh when an otherwise sedate member, not wishing to be elected chairman of committees, mysteriously disappeared from his seat and was subsequently found crouching under his desk : but there was a look of anxiety in every eye when that joyous adventurer, Dr. Tancred, appeared on the scene. Shouting hilariously from the window of a cab he would drive up to the House after dinner with the express intention of " livening things up," and having acquired quite an extensive knowledge of procedure during his escapades no one

knew quite how to deal with him. At one moment he would appear in the Press gallery addressing the House in an audible whisper, at the next he was behind the Speaker's chair trying to vote on both sides in a division, and when attention was drawn to his behaviour he would indignantly protest from his seat against imputations being made against his personal conduct as a member. Fortunately such incidents were too rare to bring Parliament into ridicule, and when any serious offence was committed the House dealt with it seriously. Thus when a member in defiance of the Standing Orders published a manuscript return laid on the table of the House he was formally admonished by the Speaker, and when some years later an attempt was made to bribe certain members the culprits were still more formally reprimanded at the bar.

As a legislative machine its output was almost excessive. Although Parliament only sat for about three months in the year, some fifty bills were introduced every session and over thirty passed; with the result that in 1910, after dealing with 2,672 bills, it had placed no fewer than 1,669[1] acts on the statute book. A large proportion of these measures were introduced by private members, but in the scramble to pass

[1] It passed 1,773 bills, but two did not receive the Governor's assent, and two "reserved bills" did not receive the royal assent.

laws the Cape House never overlooked the important fact that legislatures exist almost as much to control administration as to legislate.

It was easy enough, before responsible government was granted, for elected members to criticise the actions of the Government officials who had seats in the House by virtue of their office. The members could say what they liked and the officials being independent of the votes of the House could do much as they pleased. But it was different after responsible government and it fell to the lot of Sir John Molteno, the first Prime Minister, to learn that a Government can only retain office so long as it can retain the confidence of the House. Sir John when he took office seems scarcely to have realised the implications of the change that had taken place. Aptly named " the Lion of Beaufort " he would roar defiance at any member who ventured to criticise his actions. He regarded an attack on his administration as a personal insult, and it was only by sheer force of character combined with honesty of purpose that he was able to lead the House for as long as he did. But others more adaptable to changing conditions had learnt their lesson, and those who succeeded him found it expedient to meet legitimate criticism with a candid explanation or a well-reasoned defence.

The other changes which followed upon the introduction of responsible government took place in rapid succession. Modestly beginning

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THE SCANLEN MINISTRY, 1881-84.

From left to right are : Merriman, Sauer, Leonard, Rhodes and Scanlen. The photograph was taken after J. C. Molteno and J. H. Hofmeyr had resigned.

with the smartening up of the old debating chamber and its attendants it ended with the modernising of procedure. Private bill practice was systematised and parliamentary agents appointed for the first time. A permanent Chairman of Committees was elected by the House. An Act was passed to interpret and shorten the language of statutes and the draftsman was made a parliamentary officer instead of a Government official. Under another Act both Houses of Parliament handed over to the Supreme Court their exclusive right of determining the validity of elections. The powers and privileges of Parliament were clearly defined and provision was made for summoning witnesses and punishing for contempt. Debates were allowed in Dutch as well as in English and the Standing Rules and Orders were thoroughly revised.

All these changes were effected during the short space of some ten years, so that when Parliament was opened in the new buildings in 1885 the stage was set for the last scene.

The chamber in which the House of Assembly then met is now used as a dining room by the Union Parliament. But its oak-panelled walls are hung with the portraits of the men who paced its floor, and standing in that room to-day it requires little imagination to see them at work once more. Before us is the table of the House with its glittering mace. There is the Speaker's

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chair and there on either side are the long rows of green benches on which are seated, listening, writing, or whispering, that galaxy of great men who raised the country to a level out of all proportion to its population.

In the foreground we see Sprigg, who was for thirty-six years a member of the House and four times Prime Minister. With shaggy brows almost concealing his eyes he sits scanning the order-paper that he, better than any other Minister, knew how to arrange. Beside him stands Upington, immaculate in cut-away coat, his hair neatly parted down the middle, jabbing the air with his forefinger to emphasise the points he is drawling out in condemnation of some hapless member opposite.

At the entrance stands Sauer ostentatiously helping himself to a pinch of snuff from the silver box that lies on the desk of the Serjeant-at-Arms, while waiting in phlegmatic but expectant silence for his lifelong friend Merriman to speak. Merriman rises and all voices save his are hushed. Drawing himself up to his full height he thrusts his hands deep into the pockets which his tailor had always to make in front of his trousers instead of at the sides. We see the fierce light burning in his grey-blue eyes, the resolution in his drawn brows, and the set of his lanky jaw. We hear the rich cadence of his cultured voice, the cynical hiss in his denunciations, and recognise that here without a doubt

was one of the greatest parliamentarians that democracy has produced.

Thomas Fuller is scribbling an amendment that will compose differences or force a division, while Jan Hofmeyr, square shouldered and inscrutable, calculates the possibilities of political combinations as he polishes his gold-rimmed spectacles or blinks at Theron. Further off is Schermbrucker, the prince of obstructionists. Someone passes him a note ; he looks at it, nods, tears it up, and in a twinkling is on his feet rolling forth guttural periods that are relevant, witty and wise without being apposite. The hand of the clock moves on and still he speaks. Then another note reaches him, someone else is ready to speak. A peroration follows and he resumes his seat amid " Hear, hears " from every side of the House.

And there sits Rose-Innes, who like Schreiner is always calm, always courteous, always correct and always open to argument.

" During the two hours' speech just delivered," he says, rising after Schermbrucker.

" Twenty minutes, sir, twenty minutes by the clock," thunders Schermbrucker, pointing angrily at the dial.

" Dear, dear," rejoins Innes quietly as he follows the direction of the outstretched arm. " Dear, dear, it seemed like two hours."

Then our eye rests on another figure, broad-shouldered, carelessly but comfortably dressed

in a lounge suit. The figure is that of Rhodes, who, though no debater and unskilled in procedure, in some subtle way looms above them all. Impetuously brushing the back of his neck with his right hand, he jerks out his " thoughts " in a high falsetto voice. Tirelessly and with no change of diction he repeats his best points, and when warned *sotto voce* that he is talking to the House as though they were a pack of fools he retorts that he sees no reason why he should alter his methods.

Near him is Smartt, always ready with his torrential flow of Irish eloquence to chaff the House into a good temper or to pounce upon a point of order. And then Jameson enters. From behind the Speaker's chair he moves rapidly to his seat, flings himself into a recumbent position, and listens with closed eyes but active mind to every word that is being said. Around him are Crewe, bland and business-like, Walton, with an advance copy of the Estimates of Expenditure on his knee, and Sampson, thumbing a volume of the Cape statutes. There too is Burton coining a phrase, N. F. de Waal examining the latest education statistics, Macintosh calling for trade returns, and F. S. Malan marshalling facts for a speech, while C. J. Krige and Vermooten move from seat to seat as they exercise their powers as " Whips " with wisdom and discretion.

Somewhere a door bangs. The table and the

WORKING MEN'S
COLLEGE
LIBRARY.

THE HOUSES OF PARLIAMENT

1885-1910.

Although the foundation stone was laid in 1875 the buildings were not ready for occupation until ten years later. With the additions made in 1910 and 1928 the buildings are now used by the Union Parliament.

From a photograph by E. Peters.

green benches vanish. The figures, the faces, and the old familiar voices of that great company fade away, some of them, alas, to be seen and heard no more.

But the story is not yet done.

Right back in the 'fifties, when the memory of the " Great Trek " was still fresh in the minds of Cape statesmen, Saul Solomon had visualised the day when those who had left the Cape to found Natal and the republics of the Transvaal and Orange Free State would once more be brought together in a common South African state under one Parliament in the town van Riebeeck had founded.

That day arrived on the 31st May 1910, when the Act of Union came into force. On that day the Cape House of Assembly ceased to exist in name. But only in name, for in the last hours of its last session Mr. Merriman, after dwelling with pride on the character of the Cape legislature, expressed a desire which the House pledged itself by acclamation to fulfil. " I hope," he said on that occasion, " that those who are fortunate enough to obtain seats in the Union Parliament will carry into it the high traditions of the Parliament which is now breaking up, and by so doing build up the future character of the Parliament of South Africa."

Actually some fifty members of the Cape Parliament obtained seats in the Union Parliament. The Speaker of the old Cape House was

re-elected Speaker of the Union House, and with only two exceptions its officials were re-appointed. Its Standing Rules and Orders were adopted with very few alterations and its buildings were taken over with the addition of a new wing.

The very benches on which members sit to-day are the green benches of the old Cape House revarnished to match the new surroundings. The Speaker's chair is the chair occupied by four out of the five Cape Speakers. The table of the House is the table from which Sprigg and Merriman made some of their most famous budget speeches. The entries made in the journals at the table are in precisely the same form as the entries made by the Clerks of the old Cape House. The sand-glass which is turned when the House divides has been turned by the Clerks at the table for every division since 1862. The mace is that same mace which, obtained by the Cape House in 1855, has symbolised the dignity of the Assembly and the authority of the Speaker ever since. More fittingly still, the box in which the mace reposes when the House is not in session is made from the wood of a tree known as van Riebeeck's Thorn, which was eighty years old when van Riebeeck established the first Council at the Cape and which flourished just outside the buildings until it was blown down long after self-government had been obtained.

In short, when the people of South Africa

agreed " to pool their patriotism as well as their material resources " the old Cape House merged, rather than lost, its identity in the Union Parliament and entrusted all its high traditions and historical associations to the safe-keeping of a united nation.

ANNEXURES

ANNEXURE A.

CAPE COMMANDERS AND GOVERNORS.*

Dutch East India Company.

Council of Policy (1652–1795).

Johan Anthonie van Riebeeck, Commander from 8th April 1652 to 6th May 1662.

Zacharias Wagenaar, Commander from 6th May 1662 to 27th September 1666.

Cornelis van Quaelberg, Commander from 27th September 1666 to 18th June 1668.

Jacob Borghorst, Commander from 18th June 1668 to 25th March 1670.

Pieter Hackius, Commander from 25th March 1670 to 30th November 1671.

(Albert van Breugel, Acting Commander from 25th March 1672 to 2nd October 1672.)

Isbrand Goske, Governor from 2nd October 1672 to 14th March 1676.

Johan Bax (entitled van Herentals), Governor from 14th March 1676 to 29th June 1678.

(Hendrik Crudop, Acting Commander from 29th June 1678 to 12th October 1679.)

Simon van der Stel, Commander from 12th October 1679 to 31st May 1691 ; and Governor from 1st June 1691 to 11th February 1699.

Willem Adriaan van der Stel, Governor from 11th February 1699 to 3rd June 1707.

* The dates in this Annexure are from Theal's *History of South Africa* and the Cape Civil Service List.

(Johan Cornelis D'Ableing, Acting Governor from 3rd June 1707 to 1st February 1708.)

Louis van Assenburgh, Governor from 1st February 1708 to 27th December 1711.

(Willem Helot, Acting Governor from 28th December 1711 to 28th March 1714.)

Maurits Pasques de Chavonnes, Governor from 28th March 1714 to 8th September 1724.

(Jan de la Fontaine, Acting Governor from 8th September 1724 to 25th February 1727.)

Pieter Gysbert Noodt, Governor from 25th February 1727 to 23rd April 1729.

Jan de la Fontaine, Acting Governor from 24th April 1729 to 8th March 1730; and Governor from 8th March 1730 to 31st August 1737.

Adriaan van Kervel, Governor from 31st August 1737 to 19th September 1737.

(Daniel van den Henghel, Acting Governor from 20th September 1737 to 14th April 1739.)

Hendrik Swellengrebel, Governor from 14th April 1739 to 27th February 1751.

Ryk Tulbagh, Governor from 27th February 1751 to 11th August 1771.

Joachim van Plettenberg, Acting Governor from 12th August 1771 to 18th May 1774; Governor from 18th May 1774 to 14th February 1785.

Pieter Baron van Rheede van Oudtshoorn, appointed Governor 1772, but died at sea on voyage out in January 1773.

Cornelis Jacob van de Graaff, Governor from 14th February 1785 to 24th June 1791.

(Johan Isaac Rhenius, Acting Governor from 24th June 1791 to 3rd July 1792.)

Sebastian Cornelis Nederburgh and Simon Hendrik Frykenius, Commissioners-General from 3rd July 1792 to 2nd September 1793.

Abraham Josias Sluysken, Commissioner-General from 2nd September 1793 to 16th September 1795.

BRITISH GOVERNMENT.

No Council (1795–1803).

Maj.-General James Henry Craig, Commandant from 16th September 1795 to 5th May 1797.
Earl Macartney, Governor from 5th May 1797 to 20th November 1798.
(Maj.-General Francis Dundas, Acting Governor from 21st November 1798 to 9th December 1799.)
Sir George Yonge, Governor from 10th December 1799 to 20th April 1801.
(Maj.-General Francis Dundas, Acting Governor from 20th April 1801 to 20th February 1803.)

BATAVIAN GOVERNMENT.

Council of Policy (1803–1806).

Lt.-General Jan Willem Janssens, Governor from 1st March 1803 to 18th January 1806.

BRITISH GOVERNMENT.

No Council (1806–1825).

(Maj.-General Sir David Baird, Acting Governor from 10th January 1806 to 17th January 1807.)
(Lt.-General Henry George Grey, Acting Governor from 17th January 1807 to 21st May 1807.)
Du Pré Alexander, Earl of Caledon, Governor from 22nd May 1807 to 4th July 1811.
(Lt.-General Henry George Grey, Acting Governor from 4th July 1811 to 5th September 1811.)
Lt.-General Sir Francis Cradock, Governor from 6th September 1811 to 6th April 1814.
Lord Charles Henry Somerset, Governor from 6th April 1814 to 13th January 1820.

(Maj.-General Sir Rufane Shawe Donkin, Acting Governor from 13th January 1820 to 30th November 1821.)
Lord Charles Henry Somerset, Governor from 1st December 1821 to 3rd May 1825.

Council of Advice (1825–1834).

Lord Charles Henry Somerset (*continued*) from 4th May 1825 to 5th March 1826.
(Maj.-General Richard Bourke, Lieutenant-Governor, Acting Governor from 5th March 1826 to 9th September 1828.)
Lt.-General Sir Galbraith Lowry Cole, Governor from 9th September 1828 to 10th August 1833.
(Lt.-Colonel Thomas Francis Wade, Acting Governor from 10th August 1833 to 16th January 1834.)

Legislative Council (1834–1853).

Maj.-General Sir Benjamin D'Urban, Governor from 16th January 1834 to 20th January 1838.
Maj.-General Sir George Thomas Napier, Governor from 22nd January 1838 to 18th March 1844.
Lt.-General Sir Peregrine Maitland, Governor from 18th March 1844 to 27th January 1847.
Sir Henry Pottinger, Governor and High Commissioner from 27th January 1847 to 1st December 1847.
Sir Henry George Wakelyn Smith, Bart., Governor and High Commissioner from 1st December 1847 to 31st March 1852.
Lt.-General the Hon. George Cathcart, Governor and High Commissioner from 31st March 1852 to 26th May 1854.

Parliament—Representative Government (1854–1872).

Charles Henry Darling, Lieutenant-Governor, Acting Head of the Government from 26th May 1854 to 5th December 1854.)

Sir George Grey, K.C.B., Governor and High Commissioner from 5th December 1854 to 20th August 1859.
(Lt.-General Robert Henry Wynyard, C.B., Lieutenant-Governor and Acting Administrator from 20th August 1859 to 4th July 1860.)
Sir George Grey, K.C.B., Governor and High Commissioner from 4th July 1860 to 15th August 1861.
(Lt.-General Robert Henry Wynyard, C.B., Lieutenant-Governor and Acting Administrator from 15th August 1861 to 15th January 1862.)
Sir Philip Edmond Wodehouse, K.C.B., Governor and High Commissioner from 15th January 1862 to 20th May 1870.
(Lt.-General Charles Crawfurd Hay, Lieutenant-Governor administering the Government from 20th May 1870 to 31st December 1870.)
Sir Henry Barkly, K.C.B., Governor and High Commissioner from 31st December 1870 to 30th November 1872.

Parliament—Responsible Government (1872–1910).

Sir Henry Barkly, K.C.B. (*continued*) from 1st December 1872 to 31st March 1877.
Sir Henry Bartle Frere, Bart., G.C.B., G.C.S.I., Governor and High Commissioner from 31st March 1877 to 15th September 1880.
(Maj.-General the Hon. Sir H. H. Clifford, V.C., K.C.M.G., C.B., Acting Head of the Government from 15th September 1880 to 27th September 1880.)
(Sir George Cumine Strahan, K.C.M.G., Acting Governor from 27th September 1880 to 22nd January 1881.)
Sir Hercules George Robert Robinson, P.C., G.C.M.G., Governor and High Commissioner from 22nd January 1881 to 1st May 1889.
(Lt.-General H. A. Smyth, Officer administering the Government from 1st May 1889 to 13th September 1889.)
Sir Henry Brougham Loch, G.C.M.G., K.C.B., Governor and

ANNEXURE B

Office and Name.	Seat in Council. From	Seat in Council. To	Notes.
Secretary to Government :			
Sir Richard Plasket*	1825	1827	Retired.
Lt.-Col. John Bell	1827	1834	Continued in Legislative Council—see Annexure C.
Officer Second in Command of Troops :			
Lt.-Col. J. Daniell*	1825	1828	
Lt.-Col. Cary*	1828	1829	
Lt.-Col. H. G. W. Smith*	1829	1832	Continued in Legislative Council and subsequently appointed Governor —see Annexures C and A.
	1833	1834	
Lt.-Col. T. F. Wade*	1832	1833	Acted as Governor and President of Council, 1833–1834.
Treasurer-General :			
J. W. Stoll	1825	1834	Continued in Legislative Council—see Annexure C.
Auditor-General :			
W. Bentinck	1825	1827	Retired. Andries Stockenström appointed an unofficial member in his place.
P. G. Brink*	1831	1834	Continued in Legislative Council—see Annexure C.
Deputy Quartermaster-General :			
Lt.-Col. J. Bell	1825	1827	Promoted Secretary to Government.
Unofficial Members :			
Capt. Andries Stockenstörm (afterwards created Baronet)	1828	1833	Resigned. Subsequently member of Legislative Council, 1849 and (under representative government) 1854–1858—see Annexures C and D.
Sir John Truter	1828	1834	

* *Ex-officio* members.

CLERKS OF THE COUNCIL.

Dudley Montagu Perceval . . . 1825–1828
Ker Baillie Hamilton . . . 1829–1834

ANNEXURE C.

MEMBERS OF THE LEGISLATIVE COUNCIL
(excluding acting members), 1834–1853.

Under letters patent and royal instructions issued from time to time the Council was to consist of not less than ten and not more than twelve persons, presided over by the Governor.

In 1834 there were five official and five unofficial members. In 1840 the official members were increased to six, owing to the frequent absence of the Officer Second in Command; and in 1848 the unofficial members were increased to six.

The unofficial members were nominated by the Governor from the residents of the colony for life (subject to the approval of the Secretary of State for the Colonies) or appointed by name in the " instructions " issued to the Governor.

Office and Name.	Seat in Council.		Notes.
	From	To	
Governor (President of Council):			
Sir Benjamin D'Urban	1834	1838	The Governor, as President, had a casting vote as well as an ordinary vote.
Sir George Thomas Napier	1838	1844	
Sir Peregrine Maitland	1844	1847	
Sir Henry Pottinger	1847	—	
Sir Harry Smith	1847	1852	
Sir George Cathcart	1852	1853	
Officer Second in Command of Troops:			
Lt.-Col. T. F. Wade	1834	—	Previously in Council of Advice—see Annexure A.

ANNEXURE C

Office and Name.	Seat in Council.		Notes.
	From	To	
Officer Second in Command of Troops:			
Lt.-Col. H. G. W. Smith	1834	1836	Previously in Council of Advice—see Annexure B; and subsequently Governor—see Annexure A.
Lt.-Col. J. Hare	1836	1844	Owing to the frequent absence of the Second in Command the Collector of Customs was appointed a member of the Legislative Council and virtually superseded him.
Lt.-Governor :			
C. H. Darling	1852	1853	In place of the Officer Second in Command.
Secretary to Government :			
Lt.-Col. J. Bell	1834	1840	Previously in Council of Advice—see Annexure B. Retired on leave.
J. Montagu	1843	1853	Died in London on 4th November 1853.
Treasurer-General :			
J. W. Stoll	1834	—	Previously in Council of Advice—see Annexure B. Died 3rd August 1834.
W. H. Harvey	1836	1838	
H. Rivers	1841	1853	Continued under representative government—see Annexure F.
Auditor-General :			
P. G. Brink	1834	1848	Previously in Council of Advice—see Annexure B.
W. Hope	1849	1853	Continued under representative government—see Annexure F.

Office and Name.	Seat in Council.		Notes.
	From	To	
Attorney-General :			
A. Oliphant	1834	1838	
W. Porter	1839	1853	Continued under representative government—see Annexures F and E.
Collector of Customs :			
W. Field	1840	1853	Had no seat in Parliament under representative government.
Unofficial Members:			
Arkcoll, Charles	1851	1853	
Atherstone, J.	1848	—	Resigned before taking his seat.
Bayley, Thomas Butterworth Charles	1845	1846	Appointment not confirmed by Secretary of State.
Brand, Christoffel Joseph†	1850	—	Took seat on 5th September and resigned on 20th September.
Christian, Ewan	1851	1853	
Cloete, Hendrik (H.'s son)	1840	1849	
Cloete, Henry (P.L.'s son), LL.D.	1836	1845	
Cloete, Pieter Laurens (sen.)	1834	1835	
Cloete, Pieter Laurens (jun.)	1849	—	
Cock, William*†	1847	1853	
De Smidt, Abraham	1849	—	
Du Toit, Jacobus	1834	—	
Ebden, John Bardwell*	1834	1849	
Fairbairn, John†	1850	—	Took seat on 5th September and resigned on 20th September.

* See also Annexure D—Members of the Legislative Council, 1854–1910.

† See also Annexure E—Members of the House of Assembly, 1854–1910.

ANNEXURE C

Office and Name.	Seat in Council.		Notes.
	From	To	
Unofficial Members :			
Godlonton, Robert*	1850	1853	
Harries, William Matthew†	1848	—	
Hawkins, William	1851	1852	
Letterstedt, Jacob	1849	—	
Moodie, Benjamin	1851	1853	
Pillans, Charles Stuart	1834	1840	
Reitz, Francis William*†	1850	—	Took seat on 5th September and resigned on 20th September.
Ross, Hamilton	1834	1849	
Stein, John*	1845	—	Appointed during absence of Mr. Ross, 31st March to 6th November 1845.
Stockenström, Sir Andries*	1850	—	Previously in Council of Advice—see Annexure B. He took his seat in Legislative Council on 5th September and resigned on 20th September.
Van Breda, Michael	1834	1847	
Van der Bijl, Pieter Voltelin	1847	1849	

* See also Annexure D—Members of the Legislative Council, 1854–1910.

† See also Annexure E—Members of the House of Assembly, 1854–1910.

Clerks of the Council.

Ker Baillie Hamilton	1834-1850
Charles Boyle	1850–1853

ANNEXURE D.

MEMBERS OF THE LEGISLATIVE COUNCIL, 1854–1910.

In 1854 the Legislative Council consisted of fifteen members, exclusive of the Chief Justice, who was *ex-officio* President of the Council. This number was increased in 1866 to twenty-one members, in 1881 to twenty-two members, in 1896 to twenty-three members, and in 1905 to twenty-six members—the years given being the sessions in which the new members were sworn in.

From 1854 to 1878 members were elected for ten years, half retiring every five years. From 1879 to 1910 all members were elected for seven years.

Note.—In the following list the names of members who held office as Ministers while members of the Legislative Council are printed in italics—see Annexure G.

The dates printed in the third column are the dates of the sessions during which members sat or were entitled to sit, and do not necessarily correspond with the years in which they were elected and in which their membership terminated. Absence during the first or last sessions is denoted by the year being printed in parenthesis.

Name of Member.	Electoral Division.	Sessions.	Years in Council.
A			
Abercrombie, James*	Western Divisions	1866–1868	3
Atherstone, William Guybon*	South-Eastern Province	1884–1890	7
Auret, Jeremias Benedictus	Midland	1879–1881	3

* See also Annexure E, Members of the House of Assembly.

Name of Member.	Electoral Division.	Sessions.	Years in Council.
B			
Bailey, Thomas	Eastern Province	1891–1897	7
Banable, David Solomon	Eastern Province	1904–1907	4
Barry, John Joseph*	Western Divisions	1866–1878	13
Barry, Joseph	Western Divisions	1854–1864†	11
Bayly, Zachary Stanley	Eastern Province	1898–1910	13
Bellingan, Philipus Solomon	South-Eastern Provinces	1891–1907	17
Bertram, Johan Petrus	Eastern Province	1884–1890	7
Beyers, Christiaan Fredrik	Western Divisions	1868	1
Biccard, Francois Louis Charles*	Western Divisions	1869–1872	4
Blaine, George (sen.)*	Eastern Province	1889–1890	2
Blaine, Henry	Eastern Divisions	1854–1857‡	4
Botha, Rudolf Philippus*	Midland	1882–1897	16
Bowker, Bertram Egerton	Eastern Province	1879–1883	5
Bowker, Robert Mitford*	North-Eastern Province	1881–1890	10
Bradfield, John Linden*	Eastern Province	1891–1903	13
Brown, Charles	Eastern Divisions	1874–1878	5
Brown, Thomas	Eastern Province	1879–1890	12
Burger, Jacobus Arnoldus*	Eastern Divisions	1874–1888	15
Busk, Charles James	Western Divisions	1864–1867	4
C			
Caldecott, Charles Henry*	Eastern Divisions	1868	1
Cartwright, John Dean*	Western Province	1908–1910	2
Cawood, Joseph*	Eastern Divisions	1859–1863	5
Cawood, Samuel*	Eastern Divisions	1860–1878	20
	South Eastern Province	1883	
Chase, John Centlivres*	Eastern Divisions	1866–1875	10
Christian, Henry Bailey*	Eastern Divisions	1872–1873	2
Christie, James*	Western Divisions	1874–1878	5
Claassens, Hermanus Johannes Hendrik	Midland	1904–1910	7
Cloete, Daniel	Western Divisions	1874–1876	3

* See also Annexure E, Members of the House of Assembly.
† Died 26th March 1865.
‡ Resigned at end of 1857 session.

Name of Member.	Electoral Division.	Sessions.	Years in Council.
Cock, William*†	Eastern Divisions	1856–1857‡ 1865–1868	6
Combrinck, Jacobus Arnoldus	Western Province	1884–1891	8
D			
Daverin, John	South-Eastern Provinces	1908–1910	3
De Korte, Gilles Johannes*	Western Divisions	1869–1878	10
Dempers, Herman Johan*	South-Western Province	1904–1910	7
De Roubaix, Petrus Emmanuel	Western Divisions	1859–1874	16
De Smidt, Adam Gabriel*	South-Western Province	1898–1907	10
De Smidt, Willem Anne Janssens	Western Divisions North-Western Province	1869–1878 1879–1883	15
De Villiers, Jacob Nicholas Peter	North-Western Province	1903 1906–1910	6
De Villiers, Mathys Johannes*	South-Western Province	1889–1890 1898–1899	4
De Villiers, Peter Daniel	Midland	1904–1907	4
De Villiers, Willem Petrus*	Midland	1891–1897	7
De Wet, Johannes	Western Divisions	1854–1868	15
De Wet, Nicolaas Jacobus	Eastern Province	1898–1903 1908–1910	9
Dolley, John Frederick	South-Eastern Province	1891–1903	13
Duckett, William Ferdinand	North-Western Province	1884	1
Du Plessis, Pieter Hermanus	South-Western Province	1884–1890	7
Du Toit, Jacobus Francois	Midland	1898–1907	10

* See also Annexure E, Members of the House of Assembly.

† See also Annexure C, Members of the Legislative Council, 1834–1853.

‡ Resigned at end of 1857 session.

Name of Member.	Electoral Division.	Sessions.	Years in Council.
E			
Ebden, Alfred	Western Province	1879–1883	12
	South-Eastern Province	1884–1890	
Ebden, John Bardwell†	Western Divisions	1854–1858	5
F			
Faure, Johannes Albertus	Western Province	1891–1902	12
Faure, Pieter Hendrik*	Western Province	1908–1910	3
Fleming, William (sen.)	Eastern Divisions	1854–1858‡	5
Fleming, William (jun.)*	Eastern Divisions	1869–1870	2
Fuller, Arthur John*	Eastern Province	1908–1910	3
G			
Garlick, John*	Western Province	1903	1
Geard, John	Eastern Divisions	1874–1878	10
	South-Eastern Province	1879–1883	
Godlonton, Robert†	Eastern Divisions	1854–1857§	21
		1862–1878	
Graaff, David Pieter de Villiers	Western Province	1892–1897	9
		1908–1910	
Graaff, Jacobus Arnoldus Combrink	North-Western Province	1904–1910	7
Graham, Thomas Lynedoch	Western Province	1898–1904	7
Greathead, James Henry	Eastern Divisions	1859–1860	2
H			
Haasforther, George Carl Albert	British Bechuana-land	1896–1897	2
Hal , James	Eastern Divisions	1869	1
Hardwich, Edward	Eastern Province	1879–1881	3
Hare, Robert	Western Divisions	1866–1868	3
Heatlie, Thomas Tennant	North-Western Province	1879–1895	17

* See also Annexure E, Members of the House of Assembly.
† See also Annexure C, Members of the Legislative Council, 1834–1853.
‡ Resigned at end of 1857 session and re-elected.
§ Resigned at end of 1857 session.

Name of Member.	Electoral Division.	Sessions.	Years in Council.
Herholdt, Albertus Johannes	Midland	1889–1903	15
Hiddingh, Jonas Michiel *	Western Divisions	1869–1873	5
Hofmeyr, Jan Hendrik	Western Divisions	1874–1878	17
	North-Western Province	1879–1890	
Hoole, James Cotterell	Eastern Divisions	1866–1868, 1870–1873	7
Hudson, John Fraser	South-Western Province	1879–1883	5
Hughes, Edward	Eastern Divisions	1874–1878	5
Hugo, Johannes Daniel	North-Western Province	1891–1897	7
Hurndall, Richard Featherstone	South-Eastern Province	1905–1910	6
*Hutton, Charles William**	North-Eastern Province	1879–1883	5
J			
Jarvis, Hercules Crosse*	Western Divisions	1859–1863	5
Joubert, Christiaan Gerhardus	Midland	1908–1910	3
Joubert, Gideon Daniel	Eastern Divisions	1854–1855	2
Joubert, Willem Adolph	Midland	1884–1890	7
K			
Keeley, James John	British Bechuanaland	1908–1910	3
Kennelley, Dennis Harper	Eastern Divisions	1860–1861, 1866–1873	10
Keyter, Bernardus Johannes*	South-Western Province	1893–1897	5
Kohler, Charles William Henry	Western Province	1905–1907	3
L			
Landsberg, Ernst	WesternDivisions	1864–1868, 1876–1878	8
Leeb, Johan Lodewijk	Eastern Divisions	1864	1
Lochner, Jacobus Abraham van Aarde	North-Western Province	1896–1903	8

* See also Annexure E, Members of the House of Assembly.

Name of Member.	Electoral Division.	Sessions.	Years in Council.
Logan, James Douglas*	North-Western Province	1898–1903	10
	Western Province	1904–1907	
Lombard, Jacobus Frederick	South-Eastern Province	1908–1910	3
M			
Maasdorp, Gysbert Henry*	Midland	1898–1903	6
Marais, Pieter	South-Western Province	1879–1883	5
Marquard, Johannes Ramner*	Western Divisions	1874–1878	5
Melk, Marthinius	Western Divisions	1877–1878	2
Metelerkamp, Willem Simon Gregorius	Eastern Divisions	1854–1857†	4
Meurant, Louis Henri	North-Eastern Province	1884–1890	9
	South-Western Province	1891–1892	
Michau, Paul Willem	North-Eastern Province	1904–1910	7
Michau, Willem Jacobus	North-Eastern Province	1891	1
*Miller, John**	Eastern Divisions	1874–1878	14
	South-Eastern Province	1879–1887	
Moodie, George Pigot	Western Province	1889–1890	2
Mosenthal, Joseph	Eastern Divisions	1861	1
Mosenthal, Julius	Eastern Divisions	1858–1859	2
Mulder, Hendrik Johannes*	South-Western Province	1891–1897	11
		1900–1903	
Murison, James	Western Divisions	1873–1878	13
	Western Province	1879–1885	
N			
Neethling, Marthinius Laurentius	Western Divisions	1869–1878	29
	Western Province	1879–1897‡	

* See also Annexure E, Members of the House of Assembly.
† Resigned at end of 1857 session.
‡ Unseated and re-elected in 1884.

Name of Member.	Electoral Division.	Sessions.	Years in Council.
O			
Owen-Lewis, Cyril Alexander	North-Western Province	1904–1905	2
P			
Painter, Richard Joseph*	Eastern Divisions	1866–1868	3
Paterson, John*	Eastern Divisions	(1859)	1
Peacock, John Michael*	Eastern Province	1891–1897	7
Petersen, August Henry	Western Province	1904–1910	7
Pote, Charles*	Eastern Divisions	1859–1868	10
Powell, Edmund*	Western Province	1905–1907	3
Pretorius, Michiel Jacobus	North-Eastern Province	1898–1910	13
Pritchard, Charles*	Midland	1879–1883	5
Probart, Samuel Alfred*	Eastern Divisions	1858	1
Pyott, John	South-Eastern Province	1904–1907	4
Q			
Quin, John*	Eastern Divisions	1877–1878	4
	North-Eastern Province	1879–1880	
R			
Raubenheimer, Helgard Petrus	South-Western Province	1908–1910	3
Reitz, Francis William*†	Western Divisions	1854–1863	10
Rogers, William	Eastern Province	1904–1907	4
Ross, William	Griqualand West	1884–1910	27
Rutherford, Houson Edwards	Western Divisions	1854–1858	5
S			
Savage, William	South-Eastern Province	1888	1
*Schermbrucker, Friedrich**	Eastern Province	1882–1888	7

* See also Annexure E, Members of the House of Assembly.

† See also Annexure C, Members of Legislative Council, 1834–1853. Usher of the Black Rod, Legislative Council, 1st June 1873 until death on 26th May 1881.

Name of Member.	Electoral Division.	Sessions.	Years in Council.
Scholtz, Peter Wouter	Eastern Divisions	1869–1873	5
Schweizer, Constantine Alexander	Eastern Province	1908–1910	3
Smith, George David	British Bechuanaland	1898–1907	10
Southey, William	Eastern Divisions	1858–1859	2
Stead, Arthur*	Griqualand West	1881–1883	3
Stein, John†	Western Divisions	1859–1863 1865–1868	9
Steytler, Johan George	Western Province	1886–1888	3
Stockenström, Andries‡	Eastern Divisions	1854–1858	5
Stockenstrom, Gysbert Henry	North-Eastern Province	1891–1910	20
Strachan, Donald	Eastern Province	1905–1907	3
Stretch, Charles Lennox*	Eastern Divisions	1869–1873	5
T			
Taute, Johan Frederick	South-Western Province	1884–1888	5
Te Water, Frans Karel*	Eastern Divisions	1869–1878	10
Tucker, Henry	Eastern Divisions	1861–(1868)	8
V			
Van Breda, Dirk Gysbert	Western Divisions	1854–1869	16
Van den Heever, Daniel Petrus	North-Eastern Province	1884–1903	20
Van der Bijl, Johannes Albertus*	Western Divisions	1869–1873	5
Van der Bijl, Pieter Laurens	Western Divisions South-Western Province	1867–1868 1879–1890	14
Van Eeden, Frederick Jacobus*	South-Western Province	1891–1902	12
Van Rijn, Petrus Benjamin	North-Western Province	1885–1902	18

* See also Annexure E, Members of the House of Assembly.

† See also Annexure C, Members of the Legislative Council, 1834–1853.

‡ See also Annexures B and C, Members of Council of Advice and Legislative Council.

Name of Member.	Electoral Division.	Sessions.	Years in Council.
Van Zijl, Hermanus Christian	South-Western Province	1904–1910	7
Van Zijl, Izaak Jacobus	North-Western Province	1904–1910	7
Vermaak, Johannes Adrianus	North-Eastern Province	1879–1883	5
Vigne, Henry Thomas	Western Divisions	1854–1858 1865–1873	14
Viljoen, Anthony Gysbert*	South-Western Province	1903	1
Vintcent, Joseph	Western Divisions	1871–1873†	3
Von Maltitz, Ludwig Johan Fredrik*	Eastern Divisions	1859–1863	5
W			
Weeber, Pieter Jacobus*	Midland	1908–1910	3
*White, Henry**	Western Divisions	1869–1878	10
Wicht, Johan Hendrik	Western Divisions	1854–1866	13
Wienand, Fredrik Fuldner*	North-Eastern Province	1892–1897	6
Wilmot, Alexander	South-Eastern Province	1889–1910	22
Wood, George	Eastern Divisions South-Eastern Province	1854–1857‡ 1862–1878 1879–1882	25

* See also Annexure E, Members of the House of Assembly.

† Re-elected at general election after session of 1873, but died before session of 1874.

‡ Resigned at end of 1857 session.

Presidents of the Legislative Council.

Sir John Wylde	1854–1856
Mr. J. de Wet, LL.D. (Acting)	1857
Mr. Sydney Smith Bell (Acting)	1858
Sir William Hodges	1858–1868
Sir Sydney Smith Bell	1868–1873
Sir J. H. de Villiers	1874–1910

ANNEXURE D

Clerks of the Council.

C. T. Wylde	1854–1860
P. Vigors (Acting)	1860–1861
J. A. Fairbairn	1861–1897
S. le Sueur	1897–1903
H. P. B. Clarke	1904–1910

ANNEXURE E.

MEMBERS OF THE HOUSE OF ASSEMBLY, 1854–1910.

In 1854 the House of Assembly consisted of forty-six members. This number was increased in 1866 to sixty-six, in 1874 to sixty-eight, in 1881 to seventy-two, in 1884 to seventy-four, in 1888 to seventy-six, in 1896 to seventy-nine, in 1899 to ninety-five, and in 1905 to 107—the years given being the sessions in which the new members were sworn in.

Members were elected for five years.

Note.—In the following list the names of members who held office as Ministers while members of the House of Assembly are printed in italics—see Annexure G.

The dates printed in the third column are the dates of the sessions during which members sat or were entitled to sit, and do not necessarily correspond with the years in which they were elected and in which their membership terminated. Absence during the first or last sessions is denoted by the year being placed in parenthesis.

Name of Member.	Constituency.	Sessions.	Years in House.
A			
Abercrombie, James*	Cape Town	1854–1858	5
Abrahamson, Louis	Somerset East	1894–1898	9
	Cape Town	1904–1907	
Adams, John	Victoria West	1869–1878	10
Adendorff, Augustus Rouviere	Fort Beaufort	1904–1907	4

* See also Annexure D, Members of the Legislative Council, 1854–1910.

Name of Member.	Constituency.	Sessions.	Years in House.
Alexander, Morris	Cape Town	1908–1910	3
Aling, Robert Nicolaas	Worcester	1874–1883	10
Anderson, Thomas Johnson	Cape Town	1898–1907	10
Anderson, William Trail	Kimberley	1907–1910	4
Arderne, Ralph Henry	Somerset East	1854–1858	5
Armstrong, William	Port Elizabeth	1856–1857	2
Aspeling, Dirk Jacobus	Uitenhage	1860–1862, 1864	4
Atherstone, William Guybon*	Grahamstown	1881–1883	3
Aucamp, Hendrik Lodewijk	Barkly West	1908–1910	3
Auret, Abraham	Victoria West	1877–1883	7
Auret, Maynardus Petrus	Victoria West	1866–1868	3
Ayliff, Jonathan	Victoria East	1864–1866, 1879–1885	10
Ayliff, Reuben	Uitenhage	1866–1873	8
Ayliff, William	Fort Beaufort	1864–1869, 1872–1888	23
B			
Badenhorst, Frans Hendrik	Swellendam	1904–1907	4
Badenhorst, Jacobus Frederick	Riversdale	1903–1910	8
Bailey, Abe	Barkly West	1902–1904	3
Bailey, Amos	Woodstock	1899–1907	9
Bam, Johannes Andries	Cape Town	1874–1878	5
Bam, Pieter Canzius van Blommestein	Cape Town	1905–1910	6
Barnato, Barnett Isaacs	Kimberley	1889–1897	9
Barrington, Henry Francis Adair	George	1870–1873	4
Barry, Charles van Renen	Swellendam	1874–1877	4
Barry, Jacob Dirk	Cape Town, Aliwal North	1864–1866, 1869	4
Barry, John (sen.)	Swellendam	1854–1858	5
Barry, John Joseph*	Swellendam	1879–1881	3

* See also Annexure D, Members of the Legislative Council, 1854-1910.

Name of Member.	Constituency.	Sessions.	Years in House.
Barry, Michael	Swellendam	1878	1
Barry, Thomas Daniel	Riversdale	1869–1890	22
Basson, Jan Andries	Malmesbury	1889–1893	5
Baxter, William Duncan	Cape Town	1908–1910	3
Beard, Henry	Cape Town	1894–1898	5
Beck, Johannes Hendricus Meiring	Worcester	1899–1910	12
Bedford, Thomas (jun.)	Colesberg	1865–1869	5
Bell, William	East London	1866–1869	6
	Albert	1872–1873	
Benjamin, Michael Henry	Port Elizabeth	1864	1
Bergh, Michael†	Malmesbury	1874–1888	15
Berrange, Johannes Christoffel	Cape Town	1867–1868	2
Berry, William Bisset	Queenstown	1894–1907‡	14
Beyers, Hendrik Phillippus	Caledon	1889–1893	11
		1898–1903	
Biccard, Francois Louis Charles*	Cape Town	1854–1858	5
Bidwell, Henry William	Uitenhage	1872–1873	2
Billingham, Josiah	Uitenhage	1858–1859	2
Blaine, George (sen.)*	Kingwilliamstown	1875–1878	9
	East London	1879–1883	
Blaine, George (jun.)	Cathcart	1903–1910	8
Blake, Matthew John	Cape Division	1859–1863	9
	Namaqualand	1866–1869	
Bland, Daniel du Plessis	Riversdale	1878	1
Blore, William Luck	Victoria West	1874–1876	3
Bosman, Petrus Jacobus	Stellenbosch	1854–1863	10
Botha, Jacobus Nicolaas Petrus	Aliwal North	1898–1903	6
Botha, Rudolph Phillippus*	Cradock	1869–1878	10
Botma, Daniel Johannes Erasmus	Albert	1860–1862	4
		1864	

* See also Annexure D, Members of the Legislative Council, 1854–1910.

† Appointed Serjeant-at-Arms, 1888.

‡ Speaker of the House of Assembly, 1898-1908.

Name of Member.	Constituency.	Sessions.	Years in House.
Bowker, Robert Mitford*	Somerset East	1854–1868 1870–1873	19
Bowker, Thomas Holden	Albany Victoria East	1854–1858 1859–1863	10
Bowker, William Monkhouse	Albany	1864–1865	2
Boyes, John St. George	Clanwilliam Namaqualand	1864–1868 1874–1878	10
Brabant, Edward Yewd	East London	1873–1878 1884–1902 1905–1907	28
Bradfield, John Linden*	Wodehouse	1874–1883	10
Brand, Christoffel Josephus†	Stellenbosch	1854–(1875)	22
Brand, Johannes Hendricus	Clanwilliam	1854–1863	10
Brand, Phillippus Albertus	Richmond	1869–1871	3
Brink, Josias Samuel Oertel	Richmond	1875–1878	4
Brookes, Alfred Herbert	Port Elizabeth	1908–1910	3
Brown, Daniel Maclaren	Port Elizabeth	1908–1910	3
Brown, George	Victoria East	1870–1873 1879–1883	9
Brown, John Halladay	Aliwal North	1870–1873	4
Brown, John Louis Mitchell	Cape Town	1894–1903	10
Brown, William	Queenstown	1908–1910	3
Brownlee, Charles	Albert	1873–1877	5
Buchanan, Ebenezer John	Worcester	1877–1878	2
Buchanan, James	Victoria West	1872‡	1
Burger, Jacobus Arnoldus*	Graaff Reinet	1870–1873	4
Burton, Henry	Albert	1902–1910	9

* See also Annexure D, Members of the Legislative Council, 1854–1910.

† Member of the Legislative Council, 1850, see Annexure C. Speaker of House of Assembly, 1854–1874.

‡ Seat declared vacant owing to acceptance of office in Transvaal Republic, 28th April 1873.

Name of Member.	Constituency.	Sessions.	Years in House.
C			
Caldecott, Charles Henry*	Cradock	1857–1860	4
Cartwright, John Dean*	Cape Town	1899–1907	9
Cawood, Joseph*	Grahamstown	1855–1858	4
Cawood, Joshua	Port Elizabeth	1860–1863	4
Cawood, Samuel*	Albany	1859	1
Chabaud, Gustavus	Uitenhage	1863–1864	2
Chase, John Centlivres*	Port Elizabeth	1864–1865	2
Chiappini, Antonio Balthazar Melchior Gaspar	Caledon	1874–1877	4
Christian, Henry Bailey*	Port Elizabeth	1881	1
Christie, James*	Beaufort West	1854–1868	15
Cillie, Petrus Johannes	Paarl	1902–1907	6
Cilliers, Petrus Stephanus	Prieska	1903	1
Clairmonte, Adolphus Julian	Port Elizabeth	1858	1
Cloete, Hendrik	Wynberg	1902–1910	9
Cloete, Willem	Aliwal North	1908–1910	3
Clough, George Carver	Grahamstown	1859–1876	18
Cock, William*†	Albany	1854	1
Cole, Alfred Whaley	Cape Division	1864	7
	Albert	1867–1868	
	Kingwilliamstown	1869	
	Colesberg	1875–1877	
Collett, James	Cradock	1854–1855	2
Collins, Henry	Victoria East	1906–1907	2
Congan, Louis Petrus	Cape Town	1864–1869	6
Cornwall, Moses	Kimberley	1884–1888	5
Crewe, Charles Preston	Griqualand East	1899–1903	12
	Aliwal North	1904–1907	
	East London	1908–1910	
Crosbie, Robert	Albany	1884–1888	15
		1894–1903	
Crosbie, William	Vryburg	1904–1907	4
Cumming, Arthur Willie	Barkly West	1905–1907	3
Currey, Henry Latham	George	1902–1910	9

* See also Annexure D, Members of the Legislative Council, 1854-1910.

† See also Annexure C, Members of the Legislative Council, 1834–1853.

Name of Member.	Constituency.	Sessions.	Years in House.
D			
Darnell, Bryan Henry	Caledon	1854–1858	16
	Victoria East	1859–(1865)	
	Queenstown	1866–1868, 1870	
Davel, Francois Retief	Graaff Reinet	1904–1910	7
De Beer, Michael Johannes	Piquetberg	1904–1910	7
De Jager, Andries Lourens	Paarl	1905–1907	3
De Kock, John William	Mafeking	1904–1910	7
De Korte, Gilles Johannes*	Malmesbury	1864–1868	5
Dell, Edward Hunt	Albany	(1858)†	—
Demaine, James	Albany	(1894)‡	—
Dempers, Christian Johannes Nicholas	Caledon	1882–1888	7
Dempers, Herman Johan*	Caledon	1892–1903	12
Denyssen, Petrus Johannes	Cape Town	1864	1
De Smidt, Adam Gabriel*	Oudtshoorn	1879, 1889–1893	6
De Smidt, William (jun.)	Clanwilliam	1879–1887	9
Des Vages, Johannes Augustus Dreyer	Beaufort West	1884–1888, 1894–1896	8
De Villiers, Abraham Barend	Victoria West	1883–1888	6
De Villiers, Charles Christian	Malmesbury	1888	1
De Villiers, Jacob Isaac	Worcester	1879–1898	20
De Villiers, John Henry	Worcester	1867–1873	7
De Villiers, Mathys Johannes*	Caledon	1879–1883	5
De Villiers, Pieter Frederik Ryk	Paarl	1854–1858	5
De Villiers, Septimus Peter Henry	Paarl	1908–1910	3

* See also Annexure D, Members of the Legislative Council, 1854–1910.

† Declined to take his seat.

‡ Unseated before Parliament met.

Name of Member.	Constituency.	Sessions.	Years in House.
De Villiers, Willem Petrus*	Beaufort West	1879–1881	3
De Vos, Jacob Johannes	Worcester	1884–1893	10
De Vos, Wouter (sen.)	Worcester	1869	1
De Waal, David Christian	Piquetberg	1884–1893 1894–1903	20
De Waal, Nicolaas Frederic	Colesberg	1898–1910	13
De Waal, Pieter	Stellenbosch	1894–1898	5
De Wet, David Nicholas	Aliwal North	1884–1888 1894–1898	10
De Wet, Jacobus Albertus	Somerset East	1869–1890	22
De Wet, Jacobus Petrus	Albert Grahamstown	1869–1871 1875	4
De Wet, Pieter Jacobus	Wodehouse	1897–1903	7
Distin, John Sweet	Colesberg	1870–1874†	5
Dobson, Edward	Uitenhage	1865	1
Donovan, Lionel Bennet	Barkly West	1908–1910	3
Douglass, Arthur	Grahamstown	1884–1903	20
Douglass, Francis Wingfield	Albany	1908–1910	3
Dowling, Richard	Aliwal North	1874–1878 1882–1883	7
Dragmore, George Egerton	Wodehouse	1904–1907	4
Duckitt, Frederick	Malmesbury	1854–1863	10
Duckitt, Jacob	Malmesbury	1869–1873	5
Du Plessis, Andries Stefanus	Albert	1889–1910	22
Du Plessis, David Jacobus	Middleburg	1899–1905	7
Du Plessis, Johannes Petrus	Cradock	1887–1898	12
Du Plessis, Marthinus Johannes	Queenstown	1884–1893	10
Du Plessis, Matthew Jacob	Cradock	1898–1910	13
Du Preez, Hercules Petrus	Swellendam	1883–1886	4

* See also Annexure D, Members of the Legislative Council, 1854-1910.

† Resigned and re-elected in 1873, but did not sit in that year.

Name of Member.	Constituency.	Sessions.	Years in House.
Du Toit, Andries Hendrik	Swellendam	1882–1893	12
Du Toit, Jan Gabriel	Worcester	1908–1910	3
Du Toit, Pieter Jacobus	Richmond	1884–1885 1889–1903 1909–1910	19
Dyer, Frederick	Kingwilliamstown	1884–1886	3
E			
Esselen, Ewald August	Richmond	1886	1
Eustace, John Thomas	Cape Town	1869–1873	5
Everett, Herbert	Queenstown	1879–1883	5
F			
Fairbairn, John†	Swellendam	1854–1863	10
Fairbridge, Charles Aiken	Caledon Cape Town	1854–1858 1874–1878	10
Farmer, William Mortimer Mayaart	Cape Town	1879–1883	5
*Faure, Pieter Hendrik**	Paarl Namaqualand	1889–1898 1898–1907	20
Fincham, Arthur William	Vryburg	1898	1
Findlay, John	Victoria West	1873	1
Fitchat, Henry	Grahamstown	1908–1910	3
Fleming, William (jun.)*	Graaff Reinet	1879–1883	5
Ford, John Henry	Aliwal North	1866–1868	3
Foster, James Alexander	Oudtshoorn	1904–1910	7
Foster, William	Namaqualand	1866–1870	5
Franklin, John George	Victoria East Albany Uitenhage	1854 1860–1863 1865–1869	10
Fremantle, Henry Eardley Stephen	Uitenhage	1906–1910	5
Frost, John	Queenstown	1874–1907	34
*Fuller, Arthur John**	Tembuland	1898–1907	10
Fuller, Thomas Edkins	Cape Town	1879–1900	22

* See also Annexure D, Members of the Legislative Council, 1854–1910.

† See also Annexure C, Members of the Legislative Council, 1834–1853.

Name of Member.	Constituency.	Sessions.	Years in House.
G			
Gadd, Joseph	Victoria East	1867–1868	2
Gain, George	Caledon	1864–1868	5
Garlick, John*	Cape Town	1904–1907	4
Garrett, Fydell Edmund	Victoria East	1898–1902	5
Gibson, John	Uitenhage	1874–1878	5
Gie, George Clement	Piquetberg	1869	1
Gilfillan, William Thornhill	Cradock	1854–1855	2
Ginsberg, Frank	Kingwilliamstown	1905–1910	6
Gird, Henry William	Malmesbury	1864–1869 1874–1878	11
Glanville, Thomas Burt	Victoria East Grahamstown	1866 1872	2
Goch, George Henry	Kimberley	1884–1888	5
Goldman, Bernhard Nahum	Albert	1863	1
Goldman, Louis	Albert	1863	1
Goldschmidt, Ludwig Henry	Clanwilliam	1878-(1889)†	12
Goold, Patrick	Kingwilliamstown	1870–1873 1877–1883	11
Graaff, Johannes Jacobus Arnoldus	Worcester	1898–1907	10
Green, George Alfred Lawrence	Kimberley	1908–1910	3
Greer, John Alexander	Woodstock	1908–1910	3
Griffith, Charles Duncan	Tembuland	1888–1893	6
Grisbrook, Charles Hudson	Graaff Reinet	1855–1857	3
Guest, William Charles	Oudtshoorn	1874–1878	5
Gush, Joseph	Albany	1867–1878 1883	13
H			
Haarhoff, Daniel Johannes	Kimberley	1894–1898 1904–1907	9

* See also Annexure D, Member of the Legislative Council, 1854-1910.

† Died before taking seat after general election of 1888.

Name of Member.	Constituency.	Sessions.	Years in House.
Hare, William	Woodstock	1905–1907	3
Harries, William Matthew†	Port Elizabeth	1858–1859	6
	Cradock	1861–1864	
Harris, David	Kimberley	1898–1903	10
	Barkly West	1904–1907	
Harris, Frederick Rutherford	Kimberley	1894–(1896)	5
		1898–1899	
Harris, Herbert Sextus	Kimberley	1908–1910	3
Hartman, Stephanus Johannes	Uitenhage	1854–1857	4
Hartzenberg, Andries Johannes	Graaff Reinet	1868	1
Haupt, Willem Adolph	Paarl	1859–1867	9
Hay, William	Victoria East	1892–1898	7
Hellier, John Griffin	East London	1904–1910	7
Hemming, John Stephen	Namaqualand	1870	1
Hewat, John	Woodstock	1904–1910	7
Hiddingh, Jonas Michiel*	Cape Division	1864–1868	5
Hill, James Alfred	Barkly West	1884–1885	2
Hill, James Alfred	Barkly West	1898–1902	5
Hockly, William Henry	Somerset East	1869	27
		1874–1893	
	Fort Beaufort	1898–1903	
Hoffman, Josias Matthias	Paarl	1898–1904	7
Hofmeyr, Hendrik Johannes	Albert	1865	1
Hofmeyr, Jan Hendrik	Stellenbosch	1879–1894	16
Holland, John Alfred	Port Elizabeth	1882–1883	2
Holtzhausen, Gert Hendrik	Vryburg	1896–1898	3
Hopley, Frederick Hurling	Albert	1859–1862	18
		1864–1872	
		1874–1878	
Human, Johannes Urbanus	Riversdale	1874–1877	4
Human, Johan Zacharias	Piquetberg	1870–1883	14

* See also Annexure D, Members of the Legislative Council, 1854–1910.

† See also Annexure C, Members of the Legislative Council, 1854–1910.

Name of Member.	Constituency.	Sessions.	Years in House.
Human, Johannes Zacharias	Swellendam	1864–1868	5
Hume, William	Port Elizabeth	1874–1875	2
Hutton, Charles William*	Fort Beaufort	1886–1898	13
I			
Immelman, Arnoldus Petrus Willem	Malmesbury	1908–1910	3
Immelman, Dirk Wouter	Victoria West	1889–1903	15
Innes, James Rose	Victoria East	1884–1888	17
	Cape Division	1889–1900†	
Irvine, John James	Kingwilliamstown	1879–1883	5
J			
Jacobs, Simeon	Queenstown	1874–1878	5
Jagger, John William	Cape Town	1902–1910	9
Jameson, Leander Starr	Kimberley	1900–1903	11
	Grahamstown	1904–1910	
Jarvis, Hercules Crosse*	Cape Town	1854–1858	5
Johnson, Stephen	Victoria East	1884–1891	8
Johnston-Ross, Henry Charles	Grahamstown	1874–1876	3
Jones, Charles Tennant	Port Elizabeth	1884–1898	15
Joubert, Francis Johannes	Paarl	1908–1910	3
Joubert, Jacobus Petrus Willem	Swellendam	1898–1903	6
Joubert, Jotham	Albert	1880–(1900)‡	21
Juta, Henry Hubert	Oudtshoorn	1893–1898§	15
	Port Elizabeth	1899–1907	
K			
Keyter, Bernardus Johannes*	Oudtshoorn	1866–1880	24
		1884–1892	
King, Thomas Alfred	Victoria East	1869–1878	10

* See also Annexure D, Members of the Legislative Council, 1854–1910.

† Resigned in 1901.

‡ Absent without leave, 1900. Seat declared vacant, 1902.

§ Speaker of the House of Assembly, 1896–1898.

Name of Member.	Constituency.	Sessions.	Years in House.
King, Thomas Burnham	Victoria East	1902–1905	4
Kinnear, William	Victoria West	1869–1871	3
Kirkwood, James Somers	Port Elizabeth	1876–1880	5
Kleyn, Jan Hendrik Frouenfelder	Caledon	1874–1878	5
Kleyn, Willem Hendrik Frouenfelder	Caledon	1894–1898	5
Knight, William	Port Elizabeth	1870–1872	3
Kock, Pieter	Richmond	1872	1
Kotze, Petrus Johannes	Cape Town	1859–1863 1866–1868	8
Kriel, Jacobus Petrus	Paarl	1868	1
Krige, Christman Joel	Caledon	1904–1910	7
Krige, Gideon Johannes	Stellenbosch	1895–1910	16
Krige, William Adolph	Stellenbosch	1890–1893	4
Krog, Johan Christoffel	Uitenhage	1854–1863	10
Kruger, Jacobus Alewyn	Albert	1856–1859	4
Kruger, Pieter Ernst	Somerset East	1859	1
Kuhn, Peter Gysbert	Victoria West Prieska	1898–1907 1908–1910	13
L			
Laing, John	Fort Beaufort	1874–1885 1889–1903	27
Lange, Johannes Hendricus	Kimberley	1889–1892	4
Lange, Stephanus Ignatius	Kimberley	1890–1893	4
Lawrence, James	Kimberley	1894–1906	13
Laws, Henry William	George	1854–1858	5
Lee, Charles	Uitenhage	1898–1905	8
Leeb, Pieter George	Richmond	1874	1
Leonard, James Weston	Oudtshoorn	1880–1888	9
Le Roex, Abraham Stephanus	Victoria West	1884–1898	15
Le Roux, Pieter Wynard Jacobus	Beaufort West	1908–1910	3
Le Sueur, Ryk	Worcester	1859–1863	5
Levey, Charles Joseph	Tembuland	1908–1910	3
Lewis, Charles	Namaqualand	1880–1890	11

Name of Member.	Constituency.	Sessions.	Years in House.
Liesching, Frederick Ludwig	Uitenhage	1874–1878	5
Liesenberg, August	Victoria East	1908–1910	3
Loedolff, Hugo Hendrik	Malmesbury	1854–1863	10
Logan, James Douglas*	Worcester	1894–1897	4
Long, Basil Kellett	Woodstock	1908–1910	3
Lord, William Satterley	Kimberley	1889	1
Lotter, Casper Jacobus	Jansenville	1899–1907	9
Louw, George Albertyn	Colesberg	1908–1910	3
Louw, Michael Joseph	Cape Town	1859–1863	23
	Cape Division	1869–1886	
Louw, Thomas Arnoldus Johannes	Malmesbury	1879–1898	20
Loxton, Samuel	Queenstown	1866–1868	7
		1870–1873	
Luke, George	Grahamstown	1889†	—
Lundie, Robert Hunter	Uitenhage	1908–1910	3
Luttig, Jan Roeland George	Beaufort West	1882–1883	9
		1889–1893	
		1897–1898	
Lynch, Thomas	Kimberley	1889–1892	4
M			
Maasdorp, Andries Ferdinand Stockenström	Graaff Reinet	1874–1878	5
Maasdorp, Gysbert Henry*	Graaff Reinet	1904–1910	7
Macintosh, William	Port Elizabeth	1905–1910	6
MacKay, John	Uitenhage	1879–1883	10
		1889–1893	
McMaster, James	Fort Beaufort	1860	1
Malan, Francois Stephanus	Malmesbury	1900–1910	11
Manuel, Charles John	Cape Division	1859–1863	29
		1865–1888	
Marais, Daniel Jacobus	Piquetberg	1896–1903	8
Marais, Johannes Henoch	Stellenbosch	1899–1910	12
Marais, Johannes Stephanus	Paarl	1874–1900	27

* See also Annexure D, Members of the Legislative Council, 1854–1910.

† Died before taking his seat.

Name of Member.	Constituency.	Sessions.	Years in House.
Marais, Peter Gerhardus	Richmond	1908–1910	3
Marais, Pieter Jacobus (jun.)	Riversdale	1873	1
Marquard, Johannes Ramner*	Cape Town	1869	1
Matthews, Josiah Wright	Kimberley	1881–1883	3
Maynard, James Mortimer	Cape Division	1854–1858	5
Meintjes, Jacobus Johannes	Albert	1854–1858	7
	Graaff Reinet	1859–1860	
Meiring, Johannes Jacobus	Worcester	1870–1873	4
Merriman, John Xavier	Aliwal North	1869–1873	43
	Wodehouse	1874–1878	
	Namaqualand	1879–1898	
	Wodehouse	1898–1903	
	Victoria West	1904–1910	
Meyer, Nicholaas	Fort Beaufort	1862–1863	2
Michau, Jan Johan	Riversdale	1904–1910	7
Michell, Lewis Loyd	Cape Town	1902–1903	4
	Wynberg	1904–1905	
Miller, John*	Port Elizabeth	1865–1869	5
Mills, Charles	Kingwilliamstown	1867	1
Mills, Thomas William	Uitenhage	1905–1906	2
Molteno, James Tennant	Namaqualand	1891–1898	20
	Somerset East	1898–1910†	
Molteno, John Charles	Beaufort West	1854–1878	29
	Victoria West	1880–1883	
Molteno, John Charles (jun.)	Tᵉmbuland	1894–1898	14
	Jansenville	1899–1903	
	Jansenville	1907–1910	
Moodie, Thomas	Swellendam	1864–1883	20
Moore, William Edward	Clanwilliam	1874–1878	5
Mulder, Hendrik Johannes*	Oudtshoorn	1905–1907	3
Muller, Cornelius Johannes	Cradock	1869	1

* See also Annexure D, Members of the Legislative Council, 1854–1910.

† Speaker of the House of Assembly, 1908–1910.

Name of Member.	Constituency.	Sessions.	Years in House.
Muller, Thomas Nicolaas German	Graaff Reinet	1854	1
Mundy, Stephen	Grahamstown	1859–1863	5
Munnik, Jan Hendrik	Worcester	1856–(1867)	12
Murray, Andrew Haldane	Victoria East	1908–1910	3
Murray, Frederick	Vryburg	1908–1910	3
Murray, Richard William	Cradock	1865–1868	4
Myburgh, Philippus Albertus	Stellenbosch	1876–1889	14
N			
Neethling, Hendrik Ludolph	Stellenbosch	1864–1878	15
Nel, Johannes Jacobus	Riversdale	1884–1888	5
Nieuwoudt, Gerrik Johannes	Colesberg	1856–1858	3
Niland, Bernard	Fort Beaufort	1904–1910	7
Nixon, John Pigott	Uitenhage	1884–1888 1890–1892	8
Norton, John Ogilvie	Albany	1888–1898	11
O			
Oats, Francis	Namaqualand	1898–1907	10
Ohlsson, Anders	Cape Town	1884–1893	10
O'Leary, John Joseph	Kimberley	1886–1888†	3
Oliver, Francis	Kimberley	1904–1910	7
Oliver, Gert Cornelis	Oudtshoorn	1894–1903	10
Oosthuizen, Jacobus Daniel Johannes	Beaufort West	1884–1888	5
Oosthuizen, Okkert Almero	Beaufort West Jansenville	1898–1903 1904–1910	13
O'Reilly, Thomas Joseph	Cape Town	1889–1893	5
Orpen, Joseph Millard	Queenstown Aliwal North Wodehouse	1872–1873 1879–1881 1889–1896	13
Orpen, Francis Henry Samuel	Barkly West	1881–1883	3
Orpen, Redmond Newenham Morris	Prieska	1904–1907	4

† Unseated on petition.

Name of Member.	Constituency.	Sessions.	Years in House.
Orsmond, Everet George	Aliwal North	1889–1893	5
Orsmond, Walter Charles	Aliwal North	1904–1907	4
P			
Painter, Richard Joseph*	Fort Beaufort	1854–1861	10
	Somerset East	1864–1865	
Palmer, George Morrison	Somerset East	1891–1893	8
	Somerset East	1894–1898	
Paterson, John*	Port Elizabeth	1854–1857	11
		1873–1879†	
Paton, George	Barkly West	1886–1893	8
Peacock, John Michael*	Kingwilliamstown	1874–1876	3
Pearson, Henry William	Port Elizabeth	1870–1873	23
		1880–1898	
Pentz, Petrus Johannes	Paarl	1869–1873	5
Peters, James	Kingwilliamstown	1866	1
Philip, John Ross	Port Elizabeth	1859	1
Pilkington, Woodford	Aliwal North	1866–1868	3
Poggenpoel, Phillip Godfrey	Victoria West	1866–1868	3
Pohl, Johan Christoffel Roche	Oudtshoorn	1908–1910	3
Pope, Charles Ernest	Victoria East	1889–1890	2
Porter, William‡	Cape Town	1869–1873	5
Pote, Charles*	Grahamstown	1854–1856	3
Powell, Edmund*	Cape Town	1908–1910	3
Powell, John	Richmond	1879–1883	5
Powrie, Frank William	Wodehouse	1904–1907	4
Prince, John Sampson	George	1859–1863	12
	Riversdale	1866–1872	
Pritchard, Charles*	Beaufort West	1874–1878	5
Probart, Samuel Alfred*	Richmond	1866–1868	9
	Graaff Reinet	1869	
	Graaff Reinet	1874–1878	
Proctor, Johannes Jacobus	Paarl	1857–1888	32

* See also Annexure D, Members of the Legislative Council, 1854–1910.

† Drowned at sea on 12th May 1880 off Las Palmas.

‡ See also Annexures C and F.

Name of Member.	Constituency.	Sessions.	Years in House.
Q			
Quin, John*	Fort Beaufort	1869–1873	5
R			
Rabie, Dirk De Vos	Worcester	1898–1910	13
Rademeyer, Jacobus Michael	Humansdorp	1899–1910	12
Raubenheimer, Hendrik Jacobus	George	1898–1900†	10
	George	1904–1910	
Rautenbach, George Frederick	Uitenhage	1893–1898	6
Reid, Joseph	Port Elizabeth	1866–1869	9
	Uitenhage	1879–1883	
Reitz, Francis William (sen.)*‡	Swellendam	1869–1873	5
Reitz, Francis William (jun.)	Beaufort West	1873	1
Reitz, Gysbert	Riversdale	1879–1883	5
Rennie, Charles Robert	Griqualand East	1908–1910	3
Retief, Daniel	Paarl	1908–1910	3
Reynolds, Louis George Brat	Worcester	1874–1876	3
Rhodes, Cecil John	Barkly West	1881–1900§	20
Rice, Vincent	Beaufort West	1869–1872	4
Ridgway, William Smith	Queenstown	1869	1
Robertson, Alfred George	George	1879–1898	20
Robinson, Joseph Benjamin	Kimberley	1881–1883	3
Rorke, Richard Forrester	Fort Beaufort	1870–1871	2
Ross, John Robert	Namaqualand	1871–1873	3
Ross (see also Johnston-Ross).			

* See also Annexure D, Members of the Legislative Council, 1854–1910.

† No session 1901. Resigned before session 1902.

‡ See also Annexure C, Members of the Legislative Council, 1834–1853.

§ Leave of absence, 1900. No session 1901. Died before session 1902.

Name of Member.	Constituency.	Sessions.	Years in House.
Rothman, Jacobus Nicholas	Graaff Reinet	1884–1888	5
Rubidge, Walter	Vryburg	1904–1907	4
Rudd, Charles Darrell	Kimberley	1884–1888	5
Runciman, William	Simonstown	1899–1910	12
Rutherford, Richard	Graaff Reinet	1864–1867	4
Ryan, Pierce	Malmesbury	1894–1898	5
S			
St. Ledger, Frederick York	Cape Town	1898–1900	3
Sampson, Victor	Albany	1898–1907	10
Sauer, Jacobus Wilhelmus	Aliwal North	1874–1903	36
	George	1905–1907	
	Aliwal North	1908–1910	
Scanlen, Charles	Cradock	1856–1868	13
Scanlen, Thomas Charles	Cradock	1870–1895	26
Scheepers, Gideon Johannes Hendricus	Oudtshoorn	1866–1873	8
*Schermbrucker, Frederich**	Kingwilliamstown	1868	17
		1889–1904	
Schoeman, Johannes Hendrik	Oudtshoorn	1898–1910	13
Scholtz, Daniel Jacobus	Colesberg	1884–1888	5
Scholtz, John William Louis	Piquetberg	1867–1868	2
Schreiner, Samuel Cron Cronwright	Colesberg	1903	8
	Beaufort West	1904–1910	
Schreiner, Theophilus Lyndall	Tembuland	1904–1907	4
Schreiner, William Philip	Kimberley	1893	12
	Barkly West	1894–1898	
	Malmesbury	1898–1900†	
	Queenstown	1908–1910	
Schroder, Christian Wilhelm Hendrik	Prieska	1899–1900‡	2

* See also Annexure D, Members of the Legislative Council, 1854–1910.

† Resigned 24th October 1900.

‡ Seat declared vacant in 1902 as he had taken oath of allegiance to foreign power.

Name of Member.	Constituency.	Sessions.	Years in House.
Scott, James	Fort Beaufort	1863	1
Searle, Charles	George	1898–1910	13
Searle, James	Port Elizabeth	1899–1910	12
Searle, Thomas	Queenstown	1905–1907	6
	Queenstown	1908–1910	
Shawe, Henry Benjamin	Clanwilliam	1859–1861	3
Shawe, Samuel	Clanwilliam	1869–1877	9
Shepperson, Benjamin Mathew	Albany	1855–1857	3
Sichil, Godfrey	Albert	(1866)*	6
		1879–1883	
Sieberhagen, Johan George	Colesberg	1854–1855	2
Sieberhagen, Willem Gert	Richmond	1904–1907	4
Silberbauer, Conrad Christian	Tembuland	1902–1903	2
Silberbauer, Johan Conrad	Caledon	1859–1868	10
Sivewright, James	Griqualand East	1888–1898	11
	Stellenbosch	1898	
Slater, Charles	Grahamstown	1857–1858	7
	Albany	1859–1863	
Slater, George	Albany	1866–1873	8
Slater, Josiah	Victoria East	1903–1907	5
Smartt, Thomas William	Wodehouse	1894–1898	17
	Cathcart	1899–1902	
	East London	1903–1907	
	Fort Beaufort	1908–1910	
Smith, Charles Abercrombie	Kingwilliamstown	1866–1874	9
Smith, Jurgens Hendrik	Graaff Reinet	1889–1903	15
Smith, William John	Victoria West	1879	1
Smuts, Cornelis Pieter	Cape Division	1887–1903	20
	Wynberg	1905–1907	
Smuts, Jacobus Abraham	Malmesbury	1898–1907	10
Solomon, Richard	Kingwilliamstown	1887–1888	7
	Kimberley	1893	
	Kimberley	1897–1898	
	Tembuland	1899–1900†	
Solomon, Saul	Cape Town	1854–1868	29
		1870–1883	

* Resigned without taking his seat.
† No session in 1901 ; resigned before 1902 session.

Name of Member.	Constituency.	Sessions.	Years in House.
Sonnenberg, Charles	Vryburg	1896–1903	8
Southey, Richard*	Grahamstown	1877–1878	2
Sparks, Henry (sen.)	East London	1866–1868	3
Sprigg, John Gordon	East London	1869 1872–1903 1908–1910	36
Stanford, Walter Ernest Mortimer	Tembuland	1908–1910	3
Stanton, William	Fort Beaufort Somerset East Victoria East	1859 1860–1863 1867–1869	8
Stead, Arthur†	Kimberley	1898–1907	10
Steele, Henry	Clanwilliam	1864–1867	4
Stewart, James	Victoria East	1854–1858	5
Steyn, Jan Gysbert	Swellendam	1889–1895	7
Steytler, Edward Spilsbury	Wynberg	1906–1907	2
Steytler, Johan George	Paarl	1854–1856	3
Stigant, Phillip John	Cape Town	1870–1888	19
Stiglingh, Hermanus Dempers	Piquetberg	1904–1907	4
Stockenstrom, Andries	Albert	1878–1879	2
Strauss, Jacobus Gideon Louw	Clanwilliam	1908–1910	3
Stretch, Charles Lennox†	Fort Beaufort Port Elizabeth	1854–1858 1860–1863	9
Struben, Charles Frederick William	Wynberg	1908–1910	3
Studer, Johannes	Namaqualand	1908–1910	3
Swemmer, Frans Adriaan	George	1854	1
T			
Tait, Murdock Morrison	Richmond	1873–1878	6
Tamplin, Herbert Travers	Victoria East	1891–1902	12
Tancred, Augustus Joseph	Clanwilliam Clanwilliam Piquetberg	1854–1858 1862–1863 1866	8

* See also Annexure F.

† See also Annexure D, Members of the Legislative Councli, 1854–1910.

Name of Member.	Constituency.	Sessions.	Years in House.
Tennant, David*	Piquetberg	1866–1895	30
Tennant, Hercules	Caledon	1879–1881	3
Tennant, John Henry	Uitenhage	1870–1871	2
Te Water, Frans Karel†	Graaff Reinet	1879–1883	5
Te Water, Thomas Nicolas German	Graaff Reinet	1894–1903	10
Thackeray, James	Grahamstown	1854	1
Theron, Thomas Philippus	Richmond	1884–1908	25
Theunissen, Nicolaas Hendrik	Colesberg	1859–1863	13
	Richmond	1866–1868	
	Colesberg	1869–1873	
Thomas, William	Albany	1904–1910	7
Thompson, Francis Robert	George	1895–1898	9
	Wynberg	1899–1903	
Thompson, John Cyprian	Grahamstown	1869–1871	3
Thomson, James Duncan	Cape Town	1859–1861	3
Thomson, William Rodger	Fort Beaufort	1864–1866	3
Thorne, William	Cape Town	1904–1910	7
Timm, Paul	Victoria East	1879–(1883)	5
Tod, Charles Edward	Griqualand	1904–1910	7
Torbett, Robert	Namaqualand	1871–1873	3
Trower, Joseph	Albany	1889–1893	5
Tudhope, John	Uitenhage	1884–1889	6
Turner, Richard Bawtree	Victoria East	1856–1858	3
U			
Upington, Beauclerk	Cape Town	1908–1910	3
Upington, Thomas	Colesberg	1878–1883	17
	Caledon	1884–1891	
	Swellendam	1896–1898	
Upton, Michael	Fort Beaufort	1861–1862	2
V			
Van Breda, Andreas George Hendrik	Malmesbury	1871–1873	3
Van Breda, Dirk	Caledon	1871–1873	3

* Speaker of the House of Assembly, 1874–1896.

† See also Annexure D, Members of the Legislative Council, 1854–1910.

Name of Member.	Constituency.	Sessions.	Years in House.
Van Breda, Hendrik Willem	Caledon	1869–1873	5
Van der Bijl, Alexander	Caledon	1869–1870	2
Van der Bijl, Johannes Albertus*	Caledon	1859–1863	5
Van der Merwe, Frans Johannes	Clanwilliam	1898–1907	10
Van der Merwe, Willem Jacobus	Piquetberg	1908–1910	3
Van der Spuy, Herman	Oudtshoorn	1881–1883	3
Van der Ven, Wilhelmus Johannes	Worcester	1864–1868	5
Van der Walt, Ignatius Johannes	Colesberg	1884–(1900)†	17
Van der Vyver, Isaac Wilhelm Johannes	Riversdale	1889–1903	15
Van Eeden, Frederick Jacobus*	Swellendam	1887–1888	2
Van Eeden, Jacobus Willem	Swellendam	1908–1910	3
Van Gass, Johan George	Queenstown	1869	1
Van Heerden, Hercules Christian	Cradock	1898–1910	13
Van Heerden, Isaac Petrus	Cradock	1896–1898	3
Van Heerden, Jeremias Auret	Graaff Reinet	1884–1893	10
Van Huyssteen, Hendrik	George	1899–1903	5
Van Rensburg, Johannes Jacobus Janse	Cradock	1879–1886	8
Van Rensburg, Willem Hermanus Janse	Wodehouse	1888–1893	6
Van Rhyn, Pieter Benjamin	Clanwilliam	1868–1873	6
Van Rooy, Antonie Charles Auguste	Middelburg	1906–1910	5
Van Vuuren, Lucas Janse	Uitenhage	1908–1910	3

* See also Annexure D, Members of the Legislative Council, 1854–1910.

† Absent without leave, 1900. No session 1901. Seat declared vacant, 1902.

Name of Member.	Constituency.	Sessions.	Years in House.
Van Wijk, Adriaan Lodewikus	Riversdale	(1891)*	—
Van Wijk, Daniel Johannes	Riversdale	1891–1902	12
Vanes, Arthur Bayly	Uitenhage	1894–1907	14
Van Zijl, Dirk Jacobus Albertus	Clanwilliam	1888–1907	20
Van Zijl, Hendrik Stephanus	Paarl	1905–1907	6
	Namaqualand	1908–1910	
Van Zijl, Jacobus Albertus	Wodehouse	1884–1888	5
Van Zijl, Jurie Johannes Wilhelm	Richmond	1879–1883	5
Van Zijl, Willem Joachim	Swellendam	1908–1910	3
Venter, Jan Abraham	Wodehouse	1908–1910	3
Venter, Matthys Marthinus	Albert	1884–1888	17
	Colesberg	1889–1898	
	Colesberg	1904–1905	
Vermooten, Octavius Septimus	Wodehouse	1908–1910	3
Versfeld, Marthinus	Malmesbury	1870	1
Viljoen, Anthony Gysbert†	Caledon	1904–1910	7
Viljoen, Dirk Johannes	Colesberg	1906–1907	2
Vintcent, Lewis Anthony	George	1874–1894	21
Visser, Andries Gerhardus	Victoria West	(1904)‡	3
		1908–1910	
Von Maltitz, Ludwig Johan Fredrik*	Colesberg	1854–1858	6
		1864	
Vorster, Johannes Petrus	Albert	1854–1855	2
Vosloo, Johannes Arnoldus	Somerset East	1904–1910	7
W			
Walker, Joseph	Kingwilliamtoswn	1866‡	—
Walker, Joseph	Wodehouse	1879–1887	9
Walter, William	George	1859–1869	16
		1874–1878	

* Died the day after his election before Parliament met.

† See also Annexure D, Members of the Legislative Council, 1854–1910.

‡ Resigned before taking his seat.

Name of Member.	Constituency..	Sessions.	Years in House.
Walton, Edgar Harris	Port Elizabeth	1898–1910	13
Warner, Joseph Cox	Queenstown	(1871)*	—
Warren, William Joseph	Kingwilliamstown	1884–1903 1905–1910	26
Watermeyer, Carel Philip (jun.)	Namaqualand	1874–1879†	6
Watermeyer, Egidius Benedictus	Worcester	1854–1855	2
Watermeyer, Egidius Benedictus	Clanwilliam	1908–1910	3
Watermeyer, Fredrick Stephanus	Graaff Reinet	1858 1861–1863	4
Watermeyer, Philippus Johannes Andreas	Colesberg	1859–1868	27
	Richmond	1869–1873	
	Colesberg	1874–1883	
	Richmond	1887–1888	
Watson, David	Victoria East	1874–1878 1883	6
Watson, Thomas	Cape Division	1854–1858	7
	Cape Town	1862–1863	
Way, William	Albert	(1863)‡	—
Weeber, Pieter Jacobus§	Beaufort West	1889–1907	19
Wege, Pieter Gerhard	Clanwilliam	1889–1898	10
Wehmeyer, Godlieb Wilhelm Bernard	George	1855–1858 1864–1873	14
Weil, Julius	Mafeking	1896–1903	8
Welsh, Alexander Robert	Somerset East	1866–1868	3
Wessels, Daniel Hendrik Willem	Vryburg	1899–1903 1908–1910	8
Whitaker, George	Kingwilliamstown	1904–1910	7
White, Henry§	Swellendam	1859–1863	8
	Riversdale	1866–1868	
White, Henry Fancourt	Port Elizabeth	1854–1855	2
Wicht, Johan Andries Heise	Cape Town	1865	1

* Died before taking his seat.
† Unseated on petition.
‡ Resigned before taking his seat.
§ See also Annexure D, Members of the Legislative Council, 1854–1910.

Name of Member.	Constituency.	Sessions.	Years in House.
Wienand, Fredrik Fuldner*	Somerset East	1898–1903	6
Wiener, Ludwig	Cape Town	1884–1898	15
Wiggins, John Percival	Worcester	1854–1858	5
Wilman, Herbert	Beaufort West	1879–1883	5
Withinshaw, George Sheen	Wynberg	1908–1910	3
Wolf, George Garcia	Kimberley	1884–1885	2
Wolfaardt, George Sebastian	Swellendam	1894–1907	14
Wollaston, Charlton John	Fort Beaufort	1867–1868	4
	East London	1870–(1871)†	
Wood, George (jun.)	Grahamstown	1864–1868	5
Wood, Henry Richard	Grahamstown	1902–1907	6
Wood, John Edwin	Albany	1864–1866	18
	Grahamstown	1886–1900	
Wood, Joseph Garbett	Albany	1879–1887	9
Wright, Archibald Hope Bailie	Uitenhage	1907	1
Wright, Ebenezer Cron	Albany	1874–1883	10
Wright, John Smithson	East London	1870–1872	3
Wright, Samuel Cron	Grahamstown	1877–1880	4
Wright, William	Victoria East	(1855)‡	1
	Cradock	1856	
Wynne, James	Port Elizabeth	1898–1907	10
Z			
Ziervogel, Jeremias Fredrick	Graaff Reinet	1854–1873	20
Zietsman, Louis Frederick	Griqualand East	1898–1907	10
Zondagh, Matthys Petrus	George	1908–1910	3

* See also Annexure D, Members of the Legislative Council, 1854–1910.

† Absent without leave, 1871. (Leave of absence refused and seat declared vacant.)

‡ Resigned before taking his seat.

ANNEXURE E

Speakers of the House of Assembly.

Sir Christoffel Brand	1854–1874
Sir David Tennant	1874–1896
Sir Henry Juta	1896–1898
Sir Bisset Berry	1898–1908
Sir James Molteno	1908–1910

Clerks of the House.

H. J. P. le Sueur	1854–1864
John Noble	1865–1897
E. F. Kilpin	1897–1910

ANNEXURE F.

EXECUTIVE COUNCILLORS WITH SEATS IN PARLIAMENT DURING PERIOD OF REPRESENTATIVE GOVERNMENT, 1854–1872.

Under section 79 of the Constitution Ordinance, 1852, the undermentioned officers were entitled to sit and to speak in both Houses of Parliament. They had no votes and were debarred by sections 33 and 47 from being elected members of either House.

Office and Name.	From.	To.
Colonial Secretaries :		
Rawson W. Rawson, C.B.	9th May 1854	21st July 1864
Richard Southey	22nd July 1864	30th November 1872*
Attorneys-General :		
W. Porter	16th September 1839	17th March 1866*
W. D. Griffith	18th March 1866	30th November 1872
Treasurers :		
H. Rivers	21st June 1842	6th December 1861
Richard Southey	6th December 1861	21st July 1864
J. C. Davidson	28th November 1864	30th November 1872
Auditors :		
W. Hope	1st September 1849	3rd October 1858
E. M. Cole	19th April 1859	19th July 1875†

* Elected Member of the House of Assembly after retirement, see Annexure E.

† After the passing of the "Responsible Government" Act, 1872, the Auditor had no seat in Parliament and was not eligible for election as a member of either House of Parliament.

ANNEXURE G.

MINISTERS DURING PERIOD OF RESPONSIBLE GOVERNMENT, 1872–1910.

Under section 3 of Act No. 1 of 1872 (" Responsible Government " Act) Ministers were made eligible for election as members of either House of Parliament. If not so elected they could not, under section 5, sit or speak in either House. If elected they had the right under section 4 to sit and speak in both Houses, but could vote only in the House of which they were members.

In the following list the honours conferred upon Ministers are shown in respect of each period of office :—

Office and Name.	From.	To.
Prime Ministers :		
J. C. Molteno, M.L.A.	1st Dec. 1872	5th Feb. 1878
J. Gordon Sprigg, M.L.A.	6th Feb. 1878	8th May 1881
T. C. Scanlen, M.L.A.	9th May 1881	12th May 1884
Thomas Upington, Q.C., M.L.A.	13th May 1884	24th Nov. 1886
Sir J. Gordon Sprigg, K.C.M.G., M.L.A.	25th Nov. 1886	16th July 1890
C. J. Rhodes, M.L.A.	17th July 1890	3rd May 1893
Rt. Hon. C. J. Rhodes, P.C., M.L.A.	4th May 1893	12th Jan. 1896
Rt. Hon. Sir J. Gordon Sprigg, P.C., K.C.M.G., M.L.A.	13th Jan. 1896	13th Oct. 1898
W. P. Schreiner, Q.C., C.M.G., M.L.A.	14th Oct. 1898	17th June 1900

Office and Name.	From.	To.
Prime Ministers—(cont.) :		
Rt. Hon. Sir J. Gordon Sprigg, P.C., G.C.M.G., M.L.A.	18th June 1900	21st Feb. 1904
Rt. Hon. Dr. L. S. Jameson, P.C., C.B., M.L.A.	22nd Feb. 1904	2nd Feb. 1908
Rt. Hon. J. X. Merriman, P.C., M.L.A.	3rd Feb. 1908	30th May 1910
Colonial Secretaries :		
J. C. Molteno, M.L.A.	1st Dec. 1872	5th Feb. 1878
J. Gordon Sprigg, M.L.A.	6th Feb. 1878	8th May 1881
J. C. Molteno, M.L.A.	9th May 1881	30th June 1882
T. C. Scanlen, M.L.A.	1st July 1882	12th May 1884
J. Ayliff, M.L.A.	13th May 1884	3rd March 1885
J. Tudhope, M.L.A.	4th March 1885	24th Nov. 1886
J. Tudhope, M.L.A.	25th Nov. 1886	22nd Sept. 1889
H. W. Pearson, M.L.A.	23rd Sept. 1889	16th July 1890
J. W. Sauer, M.L.A.	17th July 1890	3rd May 1893
P. H. Faure, M.L.A.	5th May 1893	12th Jan. 1896
Dr. T. N. G. te Water, M.L.A.	17th Jan. 1896	18th May 1898
Dr. T. W. Smartt, M.L.A.	19th May 1898	13th Oct. 1898
W. P. Schreiner, Q.C., C.M.G., M.L.A.	14th Oct. 1898	17th June 1900
T. L. Graham, Q.C., M.L.C.	18th June 1900	18th Feb. 1902
A. Douglass, M.L.A.	19th Feb. 1902	29th May 1902
Sir Pieter Faure, K.C.M.G., M.L.A.	30th May 1902	21st Feb. 1904
Col. C. P. Crewe, C.B., M.L.A.	22nd Feb. 1904	9th June 1907
Sir Pieter Faure, K.C.M.G., M.L.A.	10th June 1907	2nd Feb. 1908
N. F. de Waal, M.L.A.	3rd Feb. 1908	30th May 1910
Treasurers :		
H. White, M.L.C.	1st Dec. 1872	5th Feb. 1878
J. Miller, M.L.C.	6th Feb. 1878	8th Sept. 1880
H. W. Pearson, M.L.A.	9th Sept. 1880	8th May 1881
C. W. Hutton, M.L.C.	9th May 1881	19th March 1884

Office and Name.	From.	To.
Treasurers—(cont.) :		
C. J. Rhodes, M.L.A.	20th March 1884	12th May 1884
Sir J. Gordon Sprigg, K.C.M.G., M.L.A.	13th May 1884	24th Nov. 1886
Sir J. Gordon Sprigg, K.C.M.G., M.L.A.	25th Nov. 1886	16th July 1890
J. X. Merriman, M.L.A.	17th July 1890	3rd May 1893
Sir J. Gordon Sprigg, K.C.M.G., M.L.A.	4th May 1893	12th Jan. 1896
Rt. Hon. Sir J. Gordon Sprigg, P.C., K.C.M.G., M.L.A.	13th Jan. 1896	13th Oct. 1898
J. X. Merriman, M.L.A.	14th Oct. 1898	17th June 1900
Rt. Hon. Sir J. Gordon Sprigg, P.C., G.C.M.G., M.L.A.	18th June 1900	21st Feb. 1904
E. H. Walton, M.L.A.	22nd Feb. 1904	2nd Feb. 1908
Rt. Hon. J. X. Merriman, P.C., M.L.A.	3rd Feb. 1908	30th May 1910
Attorneys-General :		
J. H. de Villiers, M.L.A.	1st Dec. 1872	17th Dec. 1873
S. Jacobs, M.L.A.	24th Dec. 1873	21st Aug. 1877
A. Stockenström, M.L.A.	22nd Aug. 1877	5th Feb. 1878
Thomas Upington, Q.C., M.L.A.	6th Feb. 1878	27th Jan. 1881
J. W. Leonard, Q.C., M.L.A.	28th Jan. 1881	3rd May 1881
T. C. Scanlen, M.L.A.	9th May 1881	30th June 1882
J. W. Leonard, Q.C., M.L.A.	1st July 1882	12th May 1884
Thomas Upington, Q.C., M.L.A.	13th May 1884	24th Nov. 1886
Sir Thomas Upington, K.C.M.G., Q.C., M.L.A.	25th Nov. 1886	16th July 1890
J. Rose Innes, Q.C., M.L.A.	17th July 1890	3rd May 1893
W. P. Schreiner, C.M.G., Q.C., M.L.A.	4th May 1893	27th Dec. 1893
H. H. Juta, Q.C., M.L.A.	28th Dec. 1893	9th Sept. 1894
W. P. Schreiner, C.M.G., Q.C., M.L.A.	10th Sept. 1894	12th Jan. 1896

Office and Name.	From.	To.
Attorneys-General—(cont.):		
Sir Thomas Upington, K.C.M.G., Q.C., M.L.A.	17th Jan. 1896	12th May 1898
T. L. Graham, Q.C., M.L.C.	13th May 1898	13th Oct. 1898
R. Solomon, Q.C., M.L.A.	14th Oct. 1898	17th June 1900
Sir J. Rose Innes, K.C.M.G., K.C., M.L.A.	18th June 1900	18th Feb. 1902
T. L. Graham, K.C., M.L.C.	19th Feb. 1902	21st Feb. 1904
Victor Sampson, K.C., M.L.A.	22nd Feb. 1904	2nd Feb. 1908
H. Burton, K.C., M.L.A.	3rd Feb. 1908	30th May 1910
*Commissioners of Crown Lands and Public Works :**		
C. Abercrombie Smith, M.A., M.L.A.	1st Dec. 1872	19th July 1875
J. X. Merriman, M.L.A.	20th July 1875	5th Feb. 1878
J. Laing, M.L.A.	6th Feb. 1878	8th May 1881
J. X. Merriman, M.L.A.	9th May 1881	12th May 1884
F. Schermbrucker, M.L.C.	13th May 1884	24th Nov. 1886
F. Schermbrucker, M.L.A.	25th Nov. 1886	16th July 1890
C. J. Rhodes, M.L.A.	17th July 1890	23rd Sept. 1890
Sir James Sivewright, K.C.M.G., M.L.A.	24th Sept 1890	3rd May 1893
J. Laing, M.L.A.	8th May 1893	12th Jan. 1896
Sir James Sivewright, K.C.M.G., M.L.A.	17th Jan. 1896	13th Oct. 1898
J. W. Sauer, M.L.A.	14th Oct. 1898	17th June 1900
Dr. T. W. Smartt, M.L.A.	18th June 1900	29th May 1902
A. Douglas, M.L.A.	30th May 1902	21st Feb. 1904
Dr. T. W. Smartt, M.L.A.	22nd Feb. 1904	2nd Feb. 1908
J. W. Sauer, M.L.A.	3rd Feb. 1908	30th May 1910
Secretaries for Native Affairs :		
C. Brownlee, M.L.A.	1st Dec. 1872	5th Feb. 1878
W. Ayliff, M.L.A.	6th Feb. 1878	8th May 1881
J. W. Sauer, M.L.A.	9th May 1881	12th May 1884

* Under Act 14 of 1893 the title was altered to " Commissioner of Public Works."

Office and Name.	From.	To.
Secretaries for Native Affairs—(cont.):		
J. A. de Wet, M.L.A.	13th May 1884	24th Nov. 1886
Sir J. A. de Wet, K.C.M.G., M.L.A.	25th Nov. 1886	31st May 1890
P. H. Faure, M.L.A.	17th July 1890	3rd May 1893
J. Frost, C.M.G., M.L.A.	8th May 1893	11th Sept. 1893
(*Office abolished.*)		
Secretaries for Agriculture :		
J. Frost, C.M.G., M.L.A.	12th Sept. 1893	12th Jan. 1896
Sir P. H. Faure, K.C.M.G., M.L.A.	17th Jan. 1896	13th Oct. 1898
A. J. Herholdt, M.L.C.	14th Oct. 1898	17th June 1900
Sir P. H. Faure, K.C.M.G., M.L.A.	18th June 1900	29th May 1902
J. Frost, C.M.G., M.L.A.	30th May 1902	21st Feb. 1904
A. J. Fuller, M.L.A.	22nd Feb. 1904	9th June 1907
Col. C. P. Crewe, C.B., M.L.A.	10th June 1907	2nd Feb. 1908
F. S. Malan, M.L.A.	3rd Feb. 1908	30th May 1910
Ministers without Portfolio :		
J. Miller, M.L.C.	9th Sept. 1880	8th May 1881
J. H. Hofmeyr, M.L.A.	9th May 1881	30th Nov. 1881
J. Sivewright, M.L.A.	17th July 1890	23rd Sept. 1890
Dr. T. N. G. te Water, M.L.A.	14th Oct. 1898	17th June 1900
J. Frost, C.M.G., M.L.A.	18th June 1900	29th May 1902
L. L. Michell, M.L.A.	22nd Feb. 1904	6th June 1905
A. J. Fuller, M.L.A.	10th June 1907	2nd Feb. 1908
D. P. de V. Graaff, M.L.C.	3rd Feb. 1908	30th May 1910
H. L. Currey, M.L.A.	3rd Feb. 1908	30th May 1910

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INDEX

Advisory Council, see "Council of Advice"
Anti-Convict Association, 70
Assent to bills and ordinances withheld, 41, 57, 103 *n.*; petition to Queen to withhold, 94
Australia, 89

Barbier insurrection, 26–27.
Barkly, Slr Henry, 91–97
Batavia, see "Council of India"
Bergh, Olaf, 61
Bills and ordinances: Preparation of, 40–41; 44–45; amended or rejected by Upper House, 87, 97–98; carried by casting vote, 94; special session convened to re-introduce rejected bill, 98; assent withheld, 41, 57, 103 *n.*
Bourke, Gen. Sir Richard, 43–45
Brand, Sir Christoffel, 76, 83, 100
British occupations, 29, 30
Broad councils, 13
Burgher councillors, 14
Burgher Senate, 28, 48 *n.*
Burton, H., 108

Cabinet system, 22–23
Canada, 88–89
Casting vote, bill carried by, 94
Castle of the Cape of Good Hope, 16, 17, 20
Chairman of committees, 93–94, 105
Chief Justice: Member of early Councils, 38, 41, 45; services dispensed with, 46; President of Legislative Council from 1854, 46 *n.*, 84
Clerks, reference to, 42–44, 60–62; lists of, 122, 126, 136, 162
Cloete, Advocate H., 64–66
Cloete, P. L., 72, 73, 75
Cock, W., 75, 83
Colonists, first, 10; complaints against Government, 10, 24, 26; claims for representation, 27–28; strengthened by 1820 settlers, 37; renewed claims for representative government, 48–50, 68
Commission of Enquiry, 37, 48 *n.*, 67
Committee of Ways and Means, recognition of underlying principle by Council of Seventeen, 27–28
Constitution Ordinance, 69, 76–80, 97, 163
Contempt of Parliament, 94, 105

Continuity of administration, 37–38
Continuity of Cape parliamentary institutions, 3, 31, 35–36, 43–44, 50–51, 62, 80, 83–84; and Union Parliament, 109–111
Continuity of local institutions: Supreme Court, 14, 48 *n.*; resident magistrates, 25, 48 *n*; municipal council, 28, 48 *n.*
Convicts, proposed introduction of, 69
Council of Advice (1825–1834): Origin, 35–37; meets first in Governor's staff cottage, 39, and afterwards in old Supreme Court buildings, 40; procedure, 40–42; unofficial members nominated, 48; attacks on, 48–50; superseded by Legislative Council, 50–51; number of members, 121; list of members, 121–122; list of Clerks, 122
Council of India, 14, 18
Council of Policy (1651–1806): First meeting at sea, 4; meets in the fort, 7; procedure, 8, 13, 21–22; separation of judicial functions from legislative and executive, 14; meets in the castle, 16; status increased, 20–21; reforms, 20, 30; number of members, 4, 6–7, 20, 29
Council of Seventeen, 17, 22, 27
Court of Justice, 14, 48 *n.*
Crewe, Sir Charles, 108
De Mist, J. A., 30
De Roubaix, P. E., 92–96
De Smidt, A., 72–73, 75
De Smidt, W. A. J., 93–94
De Villiers, Lord, 86
De Waal, Sir Frederic, 108
Deputations sent to Holland, 27–28; and to England, 79
Disallowance of bills and ordinances, 41, 51, 94, 103 *n.*
Dissolution of Parliament, 97–98
Divisions, 21, 94, 102, 110
Draftsman, parliamentary, 105
D'Urban, Sir Benjamin, 50, 55, 57
Dutch East India Company, 17, 29
Dutch language, 105

Eastern and Western Provinces, proposed separation of, 67, 77, 87, 90
Ebden, J. B., 59, 72, 83
Election petitions, 95–96, 105
Elections, first parliamentary, 76
Executive council, appointment of, 23, 55
Executive councillors with seats in Parliament before responsible government, 163

Fairbairn, J., 46–47, 71, 77–79, 83
Fairbridge, C. A., 100
Finance, control of, 24, 40, 63, 85–86, 100
Fort de Goede Hoop, 3–17
Fuller, Sir Thomas, 107

Godlonton, R., 77, 83
Goede Hoop Lodge, 99–100
Government House, 38–39
Governor: Authority of, 13, 29–30, 35–36, 40–42, 44–45, 57–60, 96; conflict with Parliament, 88–91; withholds assent from bills, 103 *n.*
Governors, list of, 115–120
Graaff-Reinet insurrection, 28, 30
Grahamstown, meeting of Parliament in, 90

Hamilton, K. B., 61
Hiddingh, Dr., 92–93
Hofmeyr, J. H., 101 *n.*, 107
"Honourable," title of, 40, 56, 71
House of Assembly (1854–1910): Meets in Goede Hoop Lodge, 99; moves to existing Houses of Parliament, 100, 105; procedure, 100–101, 105; high traditions, 100–101; the House in being, 105–108; merged in Union Parliament, 109–111; number of members, 83, 137; list of members, 137–161; list of Speakers and Clerks, 162
House of Commons, 18

Jamaica, 89
Jameson Government defeated, 86–87
Judiciary, connection with legislature: Council of Policy, 14–15; Council of Advice, 41, 45–46; first Legislative Council, 63–67; Parliament, 46 *n.*, 84

Krige, J. C., 108

Landdrost and Heemraden, 25, 48 *n.*
Legislation: By Council of Policy, 8–10; by Council of Advice, 40–42; by first Legislative Council, 57–58; by Parliament, 103
Legislative Council (1834–1853): Meets in old Supreme Court buildings, 56; separation of legislative and executive functions, 55; procedure, 62–64; disputes with judiciary, 63–66; demand for abolition, 67; members mobbed, 72–75; new constitution drafted, 69, 76–80; number of members, 55, 123; list of members, 123–126; list of Clerks, 126
Legislative Council (1854–1910): Meets in room occupied by previous Legislative Council, 84; moves to existing Houses of Parliament, 84; constitution, 85; disputes with Lower House, 85–87, 97–98; number of members, 83, 127; list of members, 127–135; list of Presidents and Clerks, 135–136
Legislative, executive and judicial functions of legislature, separation of, 14, 40, 55. See also "Judiciary"

Leonard, J. W., 101 *n.*
Letterstedt, J., 72, 74–75

Mace, 110
Macintosh, Sir William, 108
Magistrates, 25, 48 *n.*
Malan, F. S., 108
Meetings of early Councils, time of, 23, 63
Members, conduct of, 20–21, 23, 101–103; mobbed, 72–75; guilty of contempt, 94, 105; admonished or reprimanded, 103; enquiries into qualifications, 95–96, 105
Menzies, Judge, 64
Merriman, J. X., 102, 106, 109
Ministerial responsibilities, 101, 104
Ministers: List of, 165–169; right to sit and speak in both Houses of Parliament, 85, 87–88, 163, 165
Minutes of Council of Policy, 4, 22–23; of Council of Advice, 39, 43; of first Legislative Council, 61–62. See also "Protests."
Molteno, Sir John, 92, 100, 104
Money bills, 40, 63, 85–86, 100
Montagu, J., 79, 83
Municipal Council, 28, 48 *n.*

Napier, Sir George, 57–60, 68
Native franchise, 79–80
Natives, 9, 15, 80, 89
New South Wales, 35–36, 46 *n.*, 56
New Zealand, 89

Ordinances, see "Bills and Ordinances."

Paarl insurrection, 26
Parliament, character of, 100–103
Parliamentary agents, 105
Parliamentary draftsman, 105
Paterson, J., 100
Perceval, D. M., 39, 42–44
Petitions, 11, 40, 101
Plasket, Sir Richard, 38, 44
"Popular members," 76–79
Porter, Wm., 59–60, 68–69, 79, 83, 92, 100
Powers and privileges of Parliament, 105. See also "Witnesses."
Prayers, 4, 62
Presidents of Legislative Council, list of, 135
Private bill procedure, 62, 105
Procedure: Council of Policy, 8, 13, 21–22; Council of Seventeen, 17, 22; Council of India, 18-19; Council of Advice, 40–42; Legislative Council, (1834–53), 62–64; House of Assembly, 100–101, 105
Proclamations, 8
Protests recorded in minutes, 21, 45–46, 78, 94

Reitz, F. W., 77, 83
Representative government: Early claims by burghers, 27–28; first representative in Council of Policy, 30, and in Council of Advice, 48; claims renewed, 48–50; increased representation in first Legislative Council, 55; further claims, 68; repre-

sentative legislature recommended, 68, 76; granted, 80; failure of, without responsible government, 87
Resident magistrates, 25, 48 *n.*
Responsible government: Introduction, 87–96; effect on legislation, 97, 99; ministers under, 101, 104, 165–169; changes after introduction, 104–105
Rhodes, C. J., 101, 107–108
Roos, Tielman, 27
Rose-Innes, Sir James, 107
Ross, H., 59, 70

Sampson, V., 108
Sand-glass, 110
Sauer, J. W., 106
Schermbrucker, Col. F., 107
Schreiner, W. P., 101 *n.*, 107
Secrecy of proceedings in Council of Policy, 22; in Council of Advice, 39, 45; abandoned by first Legislative Council, 56
Secret resolutions, 22
Select committees: Appointment of, 22, 40, 62, 65; power to summons witnesses, 21–22, 64–66, 95–96, 105
Separation of Eastern from Western Province, 67, 87, 90
Sessions, time of holding: Council of Policy, 8; Council of Advice, 40; Legislative Council (1834–53), 63
Slaves, emancipation of, 50, 67
Smartt, Sir Thomas, 101 *n.*, 108
Smith, Sir Harry, 68, 73, 76
Solomon, S., 100, 109
Somerset, Lord Charles, 38
Speakers of House of Assembly, list of, 162
Sprigg, Sir Gordon, 101 *n.*, 106
Stellenbosch, 25, 26
Stockenström, Sir Andries, 48–49, 76–79, 83
Supreme Court, 14, 48 *n.*
Supreme Court buildings, 40, 56, 84–85
Swellendam insurrection, 28, 30
Swellengrebel, H., 27

Tancred, Dr. A. J., 102–103
Tas, Adam, 26
Tasmania, 56
Tennant, Sir David, 102
Theron, T. P., 107
Treks, 24, 67, 109
Truter, Sir John, 38, 48, 84
Tulbagh, Ryk, 27

Union Parliament, 109–111
Upington, Sir Thomas, 106
Upper Houses, 85, 87, 97

Van Rheede, H. A., 20, 25, 30
Van Riebeeck, J., 5, 7, 11
Vermooten, O. S., 108

Wakefield, Gibbon, 67
Ways and Means Committee, recognition of underlying principle by Council of Seventeen, 27–28
Witnesses, power to summons, 21–22, 64–66, 95–96, 105
Wodehouse, Sir Philip, 88–91
Wylde, Sir John, 45–46, 84, 85 *n.*

Ziervogel, J. F., 100

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